

**RULE 202. EXEMPTIONS TO RULE 201. (Adopted 10/18/1971, revised 5/1/1972 and 6/27/1977, readopted 10/23/1978, revised 12/7/1987, 1/11/1988, 1/17/1989, 7/10/1990, 7/30/1991, 11/05/1991, 3/10/1992, 5/10/1994, 6/28/1994, 4/17/1997, and 6/19/2008)**

**A. Applicability**

An Authority to Construct or Permit to Operate shall not be required for equipment, operations and activities described herein.

**B. Exceptions**

Notwithstanding any exemption created by this rule, any:

1. Equipment, activity or operations proposed by an applicant for use as an Emission Reduction Credit is not exempt.
2. Emission unit that functions for distributed electrical generation and is not certified under the regulations of the Air Resources Board is not exempt.

**C. Definitions**

See Rule 102 for definitions.

**D. General Provisions**

1. The owner or operator shall maintain records which clearly demonstrate that the exemption threshold has not been exceeded. These records shall be made available to the District upon request and shall be maintained for a minimum of three calendar years. Failure to maintain records which meet the above requirements or exceedance of the emission exemption threshold or violation of any District rule may result in the immediate loss of the permit exemption. By accepting the terms of the exemption the owner or operator agrees to allow District personnel access to any records or facilities for inspection per Sections 42303 and 41510 of the California Health and Safety Code and Section 114 of the Clean Air Act.
2. For the purposes of demonstrating that the emissions exempted do not exceed the aggregate exemption limit specified in Sections G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, or V of this Rule the owner or operator may base the demonstration on actual emissions provided the owner or operator keeps material use records in a manner approved by the Control Officer. Otherwise the owner or operator must maintain records that demonstrate that the potential to emit of the equipment will not exceed the applicable aggregate exemption emission limit.
3. A permit shall not be required for equipment, operations, or activities described in Section 42310 of the California Health and Safety Code. However, the exemption for vehicles shall not be applicable to any article, machine, equipment or other contrivance mounted on such vehicles that would otherwise require a permit under the provisions of these Rules and Regulations.
4. Trains and aircraft used to transport passengers or freight are exempt from permit requirements.

5. Temporary Equipment

A permit shall not be required for temporary equipment where the projected actual aggregate emissions of all affected pollutants do not exceed 1 ton (except carbon monoxide, which shall not exceed 5 tons) and the use of each individual piece of equipment does not exceed one 60 day period in any consecutive 12 month period. Such equipment shall also meet one of the following requirements:

- a. the temporary equipment is not part of an existing operating process of a stationary source; or

- b. the temporary equipment replaces equipment that has qualified for a breakdown pursuant to Rule 505.

To qualify for this exemption, the owner or operator shall submit a written request to the Control Officer, who shall make a determination in writing approving or denying the request. This request shall identify the temporary equipment, its location, any equipment being replaced, and shall include the emission calculations and assumptions that demonstrate that the equipment meets the exemption criteria. The temporary project may commence as soon as the written request has been made, however, project commencement with equipment that is later found ineligible for the exemption shall constitute a violation of the District's Rules and Regulations. This exemption shall not apply to equipment used for the specific purpose to control emissions of Toxic Air Contaminants. The owner or operator shall pay any applicable fee pursuant to Rule 210.

#### 6. *De minimis* Exemption

Any physical change in an existing stationary source that meets each of the requirements below is exempt. Emission increases shall be based on the uncontrolled potential to emit, less emission reductions achieved through Rule 331, and shall not be reduced (netted out) by emission reductions achieved through the removal or control of any component.

- a. The emission increase for any one emission unit shall not exceed 2.40 pounds per day of any affected pollutant, except carbon monoxide, which shall not exceed 19.20 pounds per day.
- b. The aggregate emissions increase at the stationary source due to all *de minimis* physical changes at the stationary source since November 15, 1990, shall not exceed 24.00 pounds per day, except carbon monoxide, which shall not exceed 60.00 pounds per day. Any increase shall be reduced to the extent it is included in the source's net emission increase pursuant to District Rules and Regulations.
- c. The physical change does not require a change to any article, machine, equipment or contrivance used to eliminate or reduce or control the issuance of air contaminants.
- d. The article, machine, equipment or contrivance is not subject to an Airborne Toxic Control Measure adopted by the Air Resource Board.
- e. The article, machine, equipment or contrivance is not subject to New Source Performance Standards or National Emission Standards for Hazardous Air Pollutants promulgated by the Environmental Protection Agency; or Hazardous Air Pollutant requirements under Section 112 of the Clean Air Act.

The owner or operator shall maintain a record of each *de minimis* change, which shall include emission calculations demonstrating that each physical change meets the criteria listed in (a) and (b), above. Such records shall be made available to the District upon request.

#### 7. Stationary Source Permit Exemption

A permit shall not be required for any new, modified or existing stationary source if the uncontrolled actual emissions of each individual affected pollutant from the entire stationary source are below 1.00 ton per calendar year, unless:

- a. the source is subject to EPA promulgated New Source Performance Standards or National Emission Standards for Hazardous Air Pollutants, or the federal operating permit program (40 CFR Part 70), or Hazardous Air Pollutant requirements of Section 112 of the federal Clean Air Act, or

- b. the source is subject to a California Air Resources Board Airborne Toxic Control Measure; or
- c. the source is subject to Public Notification or Risk Reduction under the requirements of California Health and Safety Code Section 44300 *et seq.*; or
- d. the Control Officer makes a determination that a permit is necessary to ensure that emissions remain below one ton per year; or
- e. the source is a new or modified source which emits hazardous air emissions and is located within 1,000 feet from the outer boundary of a school site (Health and Safety Code Section 42301.6, *et seq.*).

Each owner or operator seeking this exemption shall submit a written request to the Control Officer, who shall make a determination in writing approving or denying the request. The owner or operator shall pay any applicable fee pursuant to Rule 210.

- 8. A permit shall not be required for routine repair or maintenance of permitted equipment, not involving structural changes. As used in this paragraph, maintenance does not include operation.
- 9. A permit shall not be required for equivalent routine replacement in whole or in part of any article, machine, equipment or other contrivance where a Permit to Operate had previously been granted under Rule 201, providing emissions are not increased and there is no potential for violating any ambient air quality standard. An equivalent piece of equipment has a Potential to Emit, operating design capacity or actual demonstrated capacity less than or equal to that of the original piece of equipment, and is subject to the same limitations and permit conditions as the equipment being replaced. The owner or operator shall notify the District within 30 days of an equivalent routine replacement, unless the replacement equipment is identical as to make and model, and routine in which case notification is not required. This provision shall not grant any exemption from New Source Performance Standards.
- 10. Notwithstanding any exemption defined in this Rule, no new or modified stationary source that has the potential to emit air contaminants in excess of the amounts specified shall be exempt from permit requirements:
  - a. 3.28 pounds per day of lead
  - b. 0.04 pounds per day of asbestos
  - c. 0.0022 pounds per day of beryllium
  - d. 0.55 pounds per day of mercury
  - e. 5.48 pounds per day of vinyl chloride
  - f. 16.44 pounds per day of fluorides
  - g. 38.45 pounds per day of sulfuric acid mist, or
  - h. 54.79 pounds per day of total reduced sulfur or reduced sulfur compounds.
  - i. 0.0000035 tons per year municipal waste combustor organics.
  - j. 15 tons per year municipal waste combustor metals.
  - k. 40 tons per year municipal waste combustor acid gases.
- 11. Where an exemption is described in this rule for a general category of equipment, the exemption shall not apply to any component which otherwise would require a permit under the provisions of these Rules and Regulations.
- 12. Emission control equipment, directly attached to equipment which is exempt from permit by provisions of this Rule, is exempt.
- 13. A change in location of an emission unit within the boundaries of a stationary source shall not require a permit modification unless the location of the equipment is prescribed in the source's permit and a specific location was assumed in an Air Quality Impact Analysis or a Health Risk Assessment that formed the basis of the issuance of the permit.

14. Application of architectural coating in the repair and maintenance of a stationary structure is exempt from permit requirements.
15. For the purposes of the exemptions set forth in F.1.e; F.1.f; F.1.g; and G.1, the ratings of all engines or combustion equipment used in the same process shall be accumulated to determine whether these exemptions apply.
16. Notwithstanding any exemption in these rules and regulations, if the combined emissions from all construction equipment used to construct a stationary source which requires an Authority to Construct have a projected actual in excess of 25 tons of any pollutant, except carbon monoxide, in a 12 month period, the owner of the stationary source shall provide offsets as required under the provisions of Rule 804 and shall demonstrate that no ambient air quality standard would be violated.
17. No additional permit shall be required at a stationary source in the District for equipment permitted by the District for various location uses provided the following conditions are met:
  - a. The owner or operator of the equipment has a valid Permit to Operate issued by the District that specifically denotes the equipment as being usable at various locations within the District and that the terms and conditions of the Permit to Operate are fully complied with.
  - b. The equipment is not used to replace equipment which is part of an existing process at the stationary source.
  - c. The equipment is used for repair and maintenance related purposes only.
  - d. The stationary source reports all uses (including the start and end dates) and associated emissions for each use under this exemption to the APCD in their next annual report (or semi-annual report for Part 70 sources).

**E. Compliance with Rule Changes**

The provisions of this section shall apply when an exemption for existing equipment is removed by revision of this Rule. The equipment owner shall file a complete application for a permit required by the exemption change within ninety (90) days after adoption of the revised rule; or for sources on the Outer Continental Shelf, within 90 days after the date the revision to this Rule is added to the Outer Continental Shelf Air Regulations (40 CFR Part 55). If no application is filed within the ninety (90) day period, the application filing fee prescribed in Rule 210 shall be doubled and the equipment owner shall be subject to a Notice of Violation and to the penalty provisions set forth in California Health and Safety Code Sections 42400 et seq.

If an application is filed within the ninety (90) day filing period after adoption of the revised rule but the application is deemed incomplete by the District, the applicant shall be notified by the District that a complete application must be filed within thirty (30) days of the notification. If a complete application is not received within thirty (30) days after the notification, the prescribed filing fee shall be doubled and the owner of the equipment shall be subject to the penalty provisions set forth in California Health and Safety Code Sections 42400 et seq.

**F. Internal Combustion Engines**

1. A permit shall not be required for internal combustion engines if any of the following conditions is satisfied:
  - a. Engines used in aircraft and in locomotives;

- b. Engines used to propel marine vessels, except vessels associated with a stationary source which shall be regulated as specified under the provisions of Regulation VIII.
  - c. Engines used to propel vehicles, as defined in Section 670 of the California Vehicle Code, but not including any engine mounted on such vehicles that would otherwise require a permit under the provisions of these Rules and Regulations.
  - d. Spark ignition piston-type internal combustion engines used exclusively for emergency electrical power generation or emergency pumping of water for flood control or firefighting if the engine operates no more than 200 hours per calendar year, and where a record is maintained and is available to the District upon request; the record shall list the identification number of the equipment, the number of operating hours on each day the engine is operated and the cumulative total hours.
  - e. Compression ignition engines with a rated brake horsepower of less than 50. No compression ignition engine otherwise subject to permit shall be exempt because it has been derated.
  - f. Spark ignition piston-type internal combustion engines with a rated brake horsepower of less than 50. Notwithstanding the previous sentence, none of the individual engines in the range of less than 50 but greater than 20 rated brake horsepower are exempt if such engines at a stationary source have a total rated brake horsepower rating of 400 or greater.  
  
No spark ignition piston-type internal combustion engine otherwise subject to permit shall be exempt because it has been derated. Spark ignition piston-type internal combustion engines exempt under other provisions of Section F and permitted spark ignition piston-type internal combustion engines shall not count toward the 400 rated brake horsepower aggregate limit.
  - g. Gas turbine engines with a maximum heat input rating of 3 million British thermal units per hour or less at standard conditions. No gas turbine engine otherwise subject to permit shall be exempt because it has been derated. For the purposes of this section, power generating microturbines fired on natural gas which meets General Order 58-A of the Public Utility Commission that have been certified by the Air Resources Board to meet the applicable distributed generation standards certified by a current Air Resources Board Executive Order are not subject to the provisions of Section D.15 if the potential annual emissions of each affected pollutant does not exceed 1 ton (except carbon monoxide, which shall not exceed 5 tons).
2. A permit shall not be required for portable engines registered in the Statewide Registration Program, pursuant to California Code of Regulations, title 13, section 2451 *et seq.* and Health and Safety Code Section 41753 *et seq.* Notwithstanding this provision, the requirements of Section D.16 shall apply to such portable engines. All operators using this permit exemption shall comply with the State Portable Equipment Registration Program and Air Resources Board-issued registration.
  3. A permit shall not be required for engines used for aircraft shows or to power amusement rides at seasonal or special occasion shows, fairs, expositions, circuses or carnival events, provided that the duration of such event is less than 18 days in any calendar year.
  4. A permit shall not be required for engines with a rated brake horsepower of less than 50 used:
    - a. for military tactical support operations including maintenance and training for such operations;
    - b. to power temperature and humidity control systems on cargo trailers used to transport satellites and space launch equipment;

- c. exclusively for space launch facility support and which power hoists, jacks, pulleys, and other cargo handling equipment permanently affixed to motor vehicles or trailers pulled by motor vehicles.
5. A permit shall not be required for specialty equipment. To qualify for this exemption, the owner or operator of the stationary source shall submit a written request to the Control Officer, who shall make a determination in writing approving or denying the request. The owner or operator shall pay any applicable fee pursuant to Rule 210. For specialty equipment emergency use, operations may commence as soon as the written request has been made; however, operation of equipment which is later found ineligible for the exemption shall constitute a violation of the District's Rules and Regulations.
6. An internal combustion engine which powers an item of equipment identified as exempt in any other part of this rule is not exempt unless the engine qualifies for an exemption pursuant to this rule.
7. A permit shall not be required for equipment, including associated marine vessels, used for pile driving adjacent to or in waterways, or cable and pipe-laying vessels/barges or derrick barges if the potential to emit of such equipment per stationary source is less than 25 tons per year of any affected pollutant during any consecutive 12 month period. The Control Officer shall not require Best Available Control Technology for such sources if federal law preempts this requirement. To qualify for this exemption, the owner or operator of the stationary source shall submit a written request for exemption to the Control Officer, who shall make a determination in writing approving or denying the request. The request shall identify the equipment, its location, and shall include the emission calculations and assumptions that demonstrate that the equipment meets the exemption criteria. The owner or operator shall pay any applicable fee pursuant to Rule 210. Alternatively, an owner or operator of the stationary source may qualify for an exemption from the New Source Review provisions of Regulation VIII by obtaining an Authority to Construct and Permit to Operate which limits the potential to emit of such equipment to less than 25 tons per year of any affected pollutant during any consecutive 12 month period.
8. For purposes of Regulation VIII, the following shall not be subject to New Source Review: Marine vessel engines (propulsion engines, auxiliary engines and permanently affixed support engines) associated with construction, maintenance, repair and/or demolition activities at a stationary source provided the duration of the activities do not exceed 12 consecutive months and the potential to emit of such engines per stationary source is less than 10 tons per stationary source of oxides of nitrogen, oxides of sulfur, reactive organic compounds or particulate matter. To qualify for this exemption, the owner or operator of the stationary source shall submit a written request for exemption to the Control Officer, who shall make a determination in writing approving or denying the request. The request shall identify the marine vessels, project activities, duration, and shall include the emission calculations and assumptions demonstrating that the engines meet the exemption criteria. The owner or operator shall pay any applicable fee pursuant to Rule 210. Alternatively, an owner or operator of the stationary source may qualify for an exemption by obtaining an Authority to Construct and Permit to Operate which limits the potential to emit of such equipment to less than 10 tons per year. Such Authority to Construct/Permit to Operate shall be exempt from Regulation VIII.

**G. Combustion Equipment (Other than Internal Combustion Engines)**

Notwithstanding the listed exemptions, any collection of articles, machines, equipment or other contrivances within each listed equipment category at a stationary source that has aggregate emissions in excess of 25 tons per calendar year of any affected pollutant is not exempt.

1. Combustion equipment with a maximum heat input of less than or equal to two (2) million British thermal units per hour is exempt from permit requirements if fired exclusively with one of the following:

- a. Natural or produced gas which meets General Order 58-A of the Public Utility Commission,
- b. Liquefied petroleum gas, which meets Gas Processors Association Standards,
- c. A combination of natural or produced and liquefied petroleum gas, meeting the requirements of subdivisions (a) and (b) above.

Combustion equipment with a maximum heat input rate of 1 million British thermal units per hour or less is exempt and does not count towards the 25 tons per calendar year stationary source exemption threshold listed above, provided the equipment is fired exclusively with fuel listed above in a, b, or c. No combustion equipment otherwise subject to permit shall be exempt because it has been derated.

2. Combustion equipment (other than internal combustion engines) which provides heat energy to any item of equipment identified as exempt in any other part of this rule, is not exempt unless the combustion equipment is exempt as specified in G.1.
3. Combustion equipment (other than internal combustion engines) identified as exempt in any other section of this rule does not count toward the 25 ton per year aggregate emission limit.

#### **H. Abrasive Blast Equipment**

The following listed abrasive blast equipment is exempt from permit requirements. Notwithstanding the listed exemptions, any collection of articles, machines, equipment or other contrivances within each listed equipment category at a stationary source that has aggregate emissions in excess of 10 tons per calendar year of any affected pollutant is not exempt.

1. Abrasive blast cabinet-dust filter integral combination units where the total internal volume of the blast section is 50 cubic feet or less.
2. Blast cleaning equipment using a suspension of abrasive in water.
3. All portable abrasive blast equipment, excluding any internal combustion engine associated with such equipment which must comply with the requirements of Section F. of this rule.

#### **I. Coatings Applications Equipment and Operations**

The following listed coating applications equipment and operations is exempt from permit requirements. Notwithstanding the listed exemptions, any collection of articles, machines, equipment or other contrivances within each listed equipment category at a stationary source that has aggregate emissions in excess of 10 tons per calendar year of any affected pollutant is not exempt.

1. Dipping operations for coating objects with oils, waxes or greases where no organic solvents, diluents or thinners are used.
2. Dipping operations for applying coatings of natural or synthetic resins which contain no organic solvents.
3. Equipment used in surface coating operations provided that the total amount of coatings and solvents used does not exceed 55 gallons per year. However, such sources need not obtain permits for air pollution control equipment (i.e., spray booths, carbon adsorbers, incinerators, thermal oxidizers, dust collectors, etc.) unless control equipment is required by District prohibitory rules. For equipment owned or operated by a stationary source owner or operator and used as part of the stationary source operations, the 55 gallon per year exemption shall be based on the total coatings and solvents usage of all such equipment at the stationary source.

To qualify for this exemption, the owner or operator shall maintain records of the amount of coating and/or solvents used for each calendar year. These records shall be kept for a minimum of 3 years and be made available to the District on request.

4. Air brushing operations.
5. Powder coating operations, provided the powder coating material reactive organic compound content is equal to or less than five percent, by weight.

**J. Drycleaning and Fabric Related Equipment and Operations**

The following listed drycleaning and fabric related equipment and operations is exempt from permit requirements. Notwithstanding the listed exemptions, any collection of articles, machines, equipment or other contrivances within each listed equipment category at a stationary source that has aggregate emissions in excess of 10 tons per calendar year of any affected pollutant is not exempt.

1. Equipment used exclusively for the dyeing or stripping (bleaching) of textiles where no organic solvents, diluents or thinners are used.
2. Lint traps used exclusively in conjunction with dry cleaning tumblers.
3. Laundry dryers, extractors or tumblers used for fabrics cleaned only with water solutions of bleach or detergents.

**K. Food Processing and Preparation Equipment**

The following listed food processing and preparation equipment is exempt from permit requirements. Notwithstanding the listed exemptions, any collection of articles, machines, equipment or other contrivances within each listed equipment category at a stationary source that has aggregate emissions in excess of 10 tons per calendar year of any affected pollutant is not exempt.

1. Equipment used in eating establishments for the purpose of preparing food for human consumption.
2. Smokehouses in which the maximum horizontal inside cross-sectional area does not exceed 20 square feet
3. Ovens, mixers and blenders used in bakeries where the products are edible and intended for human consumption.
4. Confection cookers where the products are edible and intended for human consumption.
5. Equipment used exclusively to grind, blend or package tea, cocoa, spices or roasted coffee.
6. Barbecue Equipment.
7. Fermentation, aging, and bottling process operations conducted at wineries, breweries, distilleries and similar facilities, provided the projected actual emissions from such operations for each individual affected pollutant from the entire stationary source are below 1.00 ton per calendar year. To qualify for this exemption, the owner or operator shall submit a written request to the Control Officer, who shall make a determination in writing approving or denying the request. The owner or operator shall pay any applicable fee pursuant to Rule 210.

**L. General Utility Equipment and Operations**

The following listed general utility equipment and operations is exempt from permit requirements. Notwithstanding the listed exemptions, any collection of articles, machines, equipment or other



contrivances within each listed equipment category at a stationary source that has aggregate emissions in excess of 10 tons per calendar year of any affected pollutant is not exempt.

1. Heat exchangers.
2. Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.
3. Refrigeration units except those used as, or in conjunction with, air pollution control equipment.
4. Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.
5. Equipment used exclusively for steam cleaning.
6. Equipment used exclusively for space heating.
7. Compressors of, and holding tanks for, dry natural gas.
8. Natural draft hoods, natural draft stacks or natural draft ventilators where natural draft means the flow of gases is not augmented by mechanical means.
9. Vacuum cleaning systems used exclusively for industrial, commercial or residential housekeeping purposes.
10. Rail cleaning operations.
11. Aerobic wastewater treatment equipment, including primary/secondary settling, trickling filter, and sludge drying beds.
12. Ozone generators used for water treatment, provided that the ozone is not released to the atmosphere.
13. Water well, water filtration systems, reverse osmosis units.
14. Fuel Cells, and any associated fuel input conditioning exclusively servicing such fuel cell, in which electro-chemically reactive materials are supplied to a cell and consumed to produce electricity.
15. Notwithstanding G.2 of this rule, portable steam cleaning/pressure washing equipment with maximum heat input rating less than 1 million British thermal units per hour fired exclusively on diesel fuel.
16. Notwithstanding G.2 of this rule, portable water heaters used exclusively for underwater diving activities with a maximum heat input rating less than 1 million British thermal units per hour fired exclusively on diesel fuel.

**M. Glass, Ceramic, Metallurgical Processing and Fabrication Equipment and Operations**

The following glass, ceramic, metallurgical processing and fabrication equipment and operations is exempt from permit requirements. Notwithstanding the listed exemptions, any collection of articles, machines, equipment or other contrivances within each listed equipment category at a stationary source that has aggregate emissions in excess of 10 tons per calendar year of any affected pollutant is not exempt.

1. Porcelain enameling furnaces, porcelain enameling drying ovens, vitreous enameling furnaces or vitreous enameling ovens.

2. Crucible type or pot type furnaces, except those specified in M.8, with a brimful capacity of less than 463 cubic inches of any molten metal.
3. Kilns used for firing ceramic ware.
4. Equipment used exclusively for forging, pressing, rolling or drawing of metals or for heating metals immediately prior to forging, pressing, rolling or drawing.
5. Equipment used exclusively for the sintering of glass or metals.
6. 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.
7. 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.
8. Crucible furnaces, pot furnaces or induction furnaces, with a capacity of 1000 pounds or less each, in which no sweating or distilling is conducted and from which only the following metals are poured or in which only the following metals are held in a molten state:
  - a. Aluminum or any alloy containing over 50 percent aluminum.
  - b. Magnesium or any alloy containing over 50 percent magnesium.
  - c. Lead or any alloy containing over 50 percent lead.
  - d. Tin or any alloy containing over 50 percent tin.
  - e. Zinc or any alloy containing over 50 percent zinc.
  - f. Copper or any alloy containing over 50 percent copper.
  - g. Precious metals.
9. Tumblers used for the cleaning or deburring of metal products without abrasive blasting.
10. Shell core and shell-mold manufacturing machines.
11. Molds used for the casting of metals.
12. Equipment used for inspection of metal products.
13. Die casting machines.
14. Atmosphere generators used in connection with metal heat treating processes.
15. Brazing, soldering or welding equipment.
16. Foundry sand mold forming equipment to which no heat is applied.
17. Equipment using aqueous solutions for the surface preparation, cleaning, stripping or etching (does not include chemical milling) of the following base metals: brass, bronze, copper, iron, lead, nickel, tin, zinc or precious metals provided that volatile organic materials used in the aqueous solutions do not exceed one percent by volume.

**N. Laboratory Equipment and Operations**

The following laboratory equipment and operations is exempt from permit requirements. Notwithstanding the listed exemptions, any collection of articles, machines, equipment or other contrivances within each listed equipment category at a stationary source that has aggregate emissions in excess of 10 tons per calendar year of any affected pollutant is not exempt.

1. Laboratory equipment used exclusively for chemical or physical analyses and bench scale laboratory equipment.
2. Vacuum producing devices used in laboratory operations.

**O. Material Working and Handling Equipment and Operations**

The following material working and handling equipment and operations is exempt from permit requirements. Notwithstanding the listed exemptions, any collection of articles, machines, equipment or other contrivances within each listed equipment category at a stationary source that has aggregate emissions in excess of 10 tons per calendar year of any affected pollutant is not exempt.

1. Presses used exclusively for extruding metals, minerals, plastics or wood.
2. Equipment used exclusively to mill or grind coating and molding compounds where all materials charged are in a paste form.
3. Equipment used 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, leather, metals, plastics, rubber, fiberboard, masonry, carbon or graphite.
4. Equipment used 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.

**P. Miscellaneous Equipment and Operations**

The following miscellaneous equipment and operations is exempt from permit requirements. Notwithstanding the listed exemptions, any collection of articles, machines, equipment or other contrivances within each listed equipment category at a stationary source that has aggregate emissions in excess of 10 tons per calendar year of any affected pollutant is not exempt.

1. Transporting materials on streets and highways.
2. Equipment used exclusively for the melting or applying of wax where no organic solvents, diluents or thinners are used.
3. Equipment used for hydraulic or hydrostatic testing.
4. Equipment used exclusively for binding lining to brake shoes.
5. Equipment used exclusively for the manufacture of water emulsions of asphalt, greases, oils or waxes.
6. Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water based adhesives.
7. Equipment used to liquefy or separate oxygen, nitrogen or the rare gases from the air.
8. Paving activities except scarification, "cutback" asphalt or batch plant operations at paving sites.
9. Equipment used for bioremediation of diesel and crude oil contaminated soil.
10. Safety flares used for emergencies or for search and rescue operations.
11. Fire training facilities necessary for the instruction of public or industrial employees in the methods of fire fighting.

12. Flares used to combust gaseous hydrogen during rocket fueling operations.
13. Explosive ordnance detonation.
14. For purposes of Regulation VIII, the following shall not be subject to New Source Review: Marine vessel engines (propulsion engines, auxiliary engines and permanently affixed support engines) associated with launch vehicle recovery operations for the Missile Defense Agency's Airborne Laser program provided the potential to emit is less than 5 tons per year of oxides of nitrogen, oxides of sulfur, reactive organic compounds or particulate matter. To qualify for this exemption, the owner or operator of the stationary source shall submit a written request for exemption to the Control Officer, who shall make a determination in writing approving or denying the request. The request shall identify the marine vessels, project activities, duration, and shall include the emission calculations and assumptions demonstrating that the engines meet the exemption criteria. The owner or operator shall pay any applicable fee pursuant to Rule 210. Alternatively, an owner or operator of the stationary source may qualify for an exemption by obtaining an Authority to Construct and Permit to Operate which limits the potential to emit of such equipment to less than 5 tons per year. Such Authority to Construct/Permit to Operate shall be exempt from Regulation VIII.

**Q. Mixing, Blending and Packaging Equipment and Operations**

The following mixing, blending, and packaging equipment and operations is exempt from permit requirements. Notwithstanding the listed exemptions, any collection of articles, machines, equipment or other contrivances within each listed equipment category at a stationary source that has aggregate emissions in excess of 10 tons per calendar year of any affected pollutant is not exempt.

1. Batch mixers of 5 cubic feet rated working capacity or less.
2. Equipment used exclusively for the packaging of lubricants or greases.
3. Equipment used exclusively to package pharmaceuticals and cosmetics or to coat pharmaceutical tablets.

**R. Plastics, Composite and Rubber Processing Equipment and Operations**

The following plastics, composite and rubber processing equipment and operations is exempt from permit requirements. Notwithstanding the listed exemptions, any collection of articles, machines, equipment or other contrivances within each listed equipment category at a stationary source that has aggregate emissions in excess of 10 tons per calendar year of any affected pollutant is not exempt.

1. Ovens used exclusively for the curing of plastics which are concurrently being vacuum held to mold or for the softening or annealing of plastics.
2. Ovens used exclusively for the curing of vinyl plastisols by the closed mold curing process.
3. Ovens used exclusively for curing potting materials or casting made with epoxy resins.
4. Presses used for the curing of rubber products and plastic products.
5. Equipment used exclusively for conveying and storing plastic pellets.
6. Equipment used for compression molding and injection molding of plastics.
7. Mixers for rubber or plastics where no material in powder form is added and no organic diluents or thinners are emitted.
8. Roll mills or calendars for rubber or plastics where no organic diluents or thinners are emitted.

**S. Printing and Reproduction Equipment and Operations**

The following printing and reproduction equipment and operations is exempt from permit requirements. Notwithstanding the listed exemptions, any collection of articles, machines, equipment or other contrivances within each listed equipment category at a stationary source that has aggregate emissions in excess of 10 tons per calendar year of any affected pollutant is not exempt.

1. All sheet-fed printing presses, and all other printing presses without dryers, excluding rotogravure and flexographic printing presses.
2. Platen presses used for laminating.
3. Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy.
4. Stenciling and dyeing operations.

**T. Semiconductor and Electronics Manufacturing Equipment and Operations**

The following semiconductor and electronics manufacturing equipment and operations is exempt from permit requirements. Notwithstanding the listed exemptions, any collection of articles, machines, equipment or other contrivances within each listed equipment category at a stationary source that has aggregate emissions in excess of one ton per calendar year of any affected pollutant is not exempt.

1. Vacuum deposition.
2. Ion implantation.
3. Sputtering.
4. Ozone/plasma/ion etching or ashing.
5. Vacuum bake systems.
6. Furnaces used for crystal growth, liquid phase epitaxial, compounding and/or refining, and carbon coating.
7. Automated epoxy adhesive, potting compound, conformal coating dispensing machines and associated equipment used for mixing, injection and curing.
8. Ovens used exclusively for curing epoxies and adhesives. Ovens used exclusively for curing permitted paint application processes.
9. Ovens for drying parts cleaned with water.

**U. Solvent Application Equipment and Operations**

The following solvent application equipment and operations is exempt from permit requirements. Notwithstanding the listed exemptions, any collection of articles, machines, equipment or other contrivances within each listed equipment category at a stationary source that has aggregate emissions in excess of 10 tons per calendar year of any affected pollutant is not exempt.

1. Unheated solvent dispensing containers, unheated non-conveyorized solvent rinsing containers or unheated non-conveyorized coating dip tanks of 100 gallons or less capacity; this exemption shall not apply to degreasing equipment regulated under the provisions of Rule 321.
2. Single pieces of degreasing equipment, which use unheated solvent, and which:

- a. have a liquid surface area of less than 929 square centimeters (1.0 square foot), unless the aggregate liquid surface area of all degreasers at a stationary source, covered by this exemption is greater than 0.929 square meter (10 square feet), or
  - b. use only organic solvents with an initial boiling point of 150 degrees Celsius (302 degrees Fahrenheit) or greater as determined by ASTM D-1078-86, or
  - c. use materials with a volatile organic compound content of two percent or less by weight as determined by EPA Method 24.
  - d. materials exempt pursuant to subsections b. and c. above do not contribute to the 0.929 square meter (10 square feet) limitation in subsection a.
3. Equipment used in wipe cleaning operations, provided that the solvents used do not exceed 55 gallons per year per stationary source.

To qualify for this exemption, the owner or operator shall maintain records of the amount (gallons per year) of solvents used at the stationary source for each calendar year.

These records shall be maintained on site for at least 3 years and be made available to the District on request. Thereafter, the records shall be maintained either on site or readily available for expeditious inspection and review for an additional 2 years. Solvents meeting the criteria of 2.b. or c. above do not contribute to the 55 gallons per year per stationary source limitation.

#### **V. Storage and Transfer Equipment and Operations**

The following storage and transfer equipment and operations is exempt from permit requirements. Notwithstanding the listed exemptions, any collection of articles, machines, equipment or other contrivances within each listed equipment category at a stationary source that has aggregate emissions in excess of 10 tons per calendar year of any affected pollutant is not exempt. Containers, reservoirs, tanks, sumps or ponds with a capacity of 55 gallons or less are exempt and do not count towards the 10 ton per year aggregation threshold.

1. Unheated storage of liquid organic materials, except refined fuel oils, with an initial boiling point of 300°F or greater at one atmosphere pressure.
2. Storage of refined fuel oils with a gravity of 40°API or lower as determined by ASTM D-4057.
3. Storage of lubricating oils.
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 1,500 gallons or less.
5. Storage of liquid soaps, liquid detergents, vegetable oils, waxes or wax emulsions.
6. Storage of asphalt.
7. The storage of gasoline (defined as any petroleum distillate having a Reid vapor pressure of 4.0 pounds per square inch or greater) having a capacity of less than 250 gallons.
8. Storage of liquefied or compressed gases which do not exceed Gas Processors Association specifications for maximum volatile sulfur content of commercial grade liquefied petroleum gas.
9. Tanks, vessels and pumping equipment used exclusively for the storage or dispensing of fresh commercial or purer grades of:
  - a. Sulfuric acid with an acid strength of 99 percent or less by weight.

- b. Phosphoric acid with an acid strength of 99 percent or less by weight.
  - c. Nitric acid with an acid strength of 70 percent or less by weight.
10. Closed loop transfer of rocket propellant from a tanker truck, cylindrical tank, or drum, to a satellite, satellite placement system, nutation control system, apogee kick motor, or any other non-booster segment of a space launch vehicle, provided there is no venting of vapors to the atmosphere during the propellant transfer.