

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

**RULE 219 - EQUIPMENT NOT REQUIRING A PERMIT**

*(Adopted: 09/01/76; Amended: 10/08/76; CARB Ex. Ord. G-73: 02/01/77; Readopted: 07/25/77; Amended: 11/25/91; Amended: 12/21/94; Amended: 10/23/00)*

**(A) Purpose.**

(1) The purpose of this Rule is as follows:

(a) To describe equipment that does not require a permit pursuant to District Rules 201 and 203; and

(b) To describe equipment which does not need to be listed on a Federal Operating Permit (FOP) issued pursuant to Regulation XII.

**(B) General Provisions.**

(1) The Air Pollution Control Officer (APCO) shall not require an owner/operator to obtain a permit for particular equipment pursuant to District Rules 201 and 203 if:

(a) Such equipment is contained in the list of particular equipment in subpart (E) below.

(2) The APCO shall not require an owner/operator to list particular equipment on an application for an FOP or require the listing of such equipment upon an FOP issued pursuant to Regulation XII if:

(a) Such equipment emits Air Contaminants in an amount less than the threshold levels listed in subpart (D); and

(b) Such equipment is contained in the list of particular equipment in subpart (E); and

(c) Such equipment is not subject to an Applicable Requirement, as defined in District Rule 1201(G), and information regarding such equipments is not required to determine the applicability of an Applicable Requirement; and

(d) Such equipment is not included in subpart (E) solely due to size or production rate.

(3) Nothing in this rule shall be interpreted to exempt the emissions from such equipment from being considered in any emissions calculations required pursuant to Regulation XII and Regulation XIII unless such emissions are specifically exempted by those Regulations.

(4) The burden of proof regarding the applicability of this rule to particular equipment shall be on the owner/operator of such equipment. [Prior Rule 219]

(C) Definitions.

(1) "*Volatile Organic Compound (VOC)*" - Any compound of carbon, including ethane but excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions excluding those compounds listed in 40 CFR 51.100(s)(1).

(D) Threshold Criteria for Exclusion from Federal Operating Permit.

(1) To be eligible for exclusion from an FOP pursuant to section (B)(2), any equipment listed under this rule shall not emit Air Contaminants in an amount greater than:

(a) Ten percent (10%) of the applicable threshold for determination of a Major Facility pursuant to Rule 1201(S) or two (2) tons per year of any Regulated Air Pollutant as defined in Rule 1201(X), whichever amount is less; or

(b) Any de minimis level for a Hazardous Air Pollutant (as defined in District Rule 1201(R)), promulgated pursuant to 42 U.S.C. §7412 (Federal Clean Air Act §112), any significance level defined in 40 CFR 52.21(b)(23)(i), or 0.5 tons per year of such Hazardous Air Pollutant, whichever is less.

(E) Specific Equipment Not Requiring a Permit.

**(1) Vehicles and Transportation Equipment.**

(a) Motor vehicles as defined by §415 of 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.

(b) Equipment mounted upon vehicles that are used exclusively to transport materials on streets or highways including, but not limited to, cement trucks, and gasoline tanker trucks (does not include asphalt or coal tar pitch roofing kettles).

(c) Locomotives, airplanes, and watercraft used to transport passengers or freight.

**(2) Combustion and Heat Transfer Equipment.**

(a) Internal Combustion Engines and Gas Turbines - Piston type internal combustion engines with a manufacture's maximum continuous rating of less than 100 brake horsepower, or gas turbine engines with a maximum heat input rate of less than 3,000,000 Btu (756,300 kilogram calories) per hour at International Standardization Organization (ISO) Standard Day Conditions. The ratings of all engines or turbines used in the same process will be accumulated to determine whether this exemption applies.

(b) General Combustion Source - Any combustion equipment that has a maximum

heat input rate of less than 2,000,000 Btu (504,000 kilogram calories) per hour (gross) and is equipped to be fired exclusively with Public Utilities Commission regulated natural gas, liquefied petroleum gas or any combination thereof. The ratings of all combustion equipment used in the same process will be accumulated to determine whether this exemption applies.

(c) Internal combustion engines used exclusively for training at educational institutions.

(d) Portable internal combustion engines, including any turbines qualified as military tactical support equipment under Health and Safety Code §41754, registered pursuant to the California Statewide Portable Engine Registration Program.

### **(3) Structures and Equipment - General.**

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

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

(c) Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four families.

(d) Laboratory equipment used exclusively for chemical and physical analysis and bench scale or laboratory test equipment.

(e) Vacuum-producing devices used in laboratory operations or in connection with other equipment which is exempt by this rule.

(f) Vacuum-cleaning systems used exclusively for industrial, commercial or residential housekeeping purposes.

(g) Natural-draft hoods, natural-draft stacks, or natural-draft ventilators.

(h) Bench scale experiments or research operations and equipment used exclusively for investigation, experimentation or research to advance the state of air pollution control knowledge or to improve techniques. Prior approval, which may include limitation of time, shall be obtained from the Air Pollution Control Officer.

### **(4) General Utility Equipment.**

(a) Comfort air conditioning or ventilating systems which are not designed or used to remove air contaminants generated by or released from specific units of equipment.

(b) Refrigeration units except those used as or in conjunction with air pollution

control equipment.

(c) Water cooling towers and water cooling ponds that have a circulation rate of less than 10,000 gallons/minute (37,800 liters/minute) and which are not used for: evaporative cooling of process water; or aqueous solutions used for evaporative cooling of barometric jets or barometric condensers; and into which no chromium compounds are added.

(d) Equipment used exclusively for steam cleaning.

(e) Equipment used exclusively for space heating other than boilers.

**(5) Glass, Ceramic, Metallurgical Processing & Fabrication Equipment.**

(a) Crucible-type or pot-type furnaces with a brimful capacity of less than 452 cubic inches (7400 cubic centimeters) of any molten metal.

(b) Crucible furnaces, pot furnaces, or induction furnaces with a capacity of less than 992 pounds (450 kilograms) each, in which no sweating or distilling is conducted, provided such equipment is exempt pursuant to subsection (E)(2)(b), and from which only the following metals are poured or in which only the following metals are held in a molten state (provided the materials do not contain alloying elements of arsenic, beryllium, cadmium, chromium and/or lead). Percent by weight of such metals shall be determined by the referenced test method, or an equivalent method approved by the APCO.

(i) Aluminum or any alloy containing over 50 percent aluminum by weight. ASTM E 34-88

(ii) Magnesium or any alloy containing over 50 percent magnesium by weight. ASTM E 35-88

(iii) Lead or any alloy containing over 50 percent lead by weight. ASTM E 46-87

(iv) Tin or any alloy containing over 50 percent tin by weight. ASTM E 46-87

(v) Zinc or any alloy containing over 50 percent zinc by weight. ASTM E 536-84

(vi) Copper. ASTM E 34-88

(vii) Precious metals (gold, silver, palladium, and platinum). ASTM E 1335-90

(c) Molds used for the casting of metals.

(d) Equipment used exclusively for inspection of metal products and control equipment venting exclusively such equipment.

(e) Brazing, hand-held soldering, and hot-air solder leveling, (but not hot-oil or vapor phase solder levelings), and control equipment venting exclusively such equipment. Welding or oxygen gaseous fuel-cutting equipment and control equipment venting such equipment. (Does not include plasma arc-cutting equipment with an electrical power input rating greater than 30 KVA and control equipment

venting such equipment.)

(f) Equipment used for washing products fabricated from metal or glass provided that no organic washing agents are used in the process.

(g) Foundry sand mold forming equipment to which no heat and no VOC or chemical desiccants are applied, and control equipment venting exclusively such equipment.

(h) Equipment used exclusively for forging, pressing, rolling, or drawing of metals or for heating metals exclusively with electricity prior to forging, pressing, rolling, or drawing.

(i) Equipment used exclusively for heat treating glass or metals (provided no organic compounds are present) or used exclusively for case hardening, carburizing, cyaniding, nitriding, carbonitriding, siliconizing, or diffusion treating of metal objects, provided any combustion equipment involved is exempt pursuant to subparagraph (E)(2)(b).

(j) Ladles used in pouring molten metals.

(k) Tumblers used for the cleaning or deburring of metal products without abrasive blasting.

(l) Die casting machines, except those used for copper base alloys, those with an integral furnace having a brimful capacity of more than 992 pounds (450 kg), or those using a furnace not exempt pursuant to subparagraph (E)(2)(b).

(m) Wax burnout kilns where the total internal volume is less than 7.0 cubic feet (0.2 cubic meter) or kilns used exclusively for firing ceramic ware, provided such kilns are exempt pursuant to subparagraph (E)(2)(b).

(n) Shell core and shell-mold manufacturing machines.

#### **(6) Abrasive Blasting Equipment.**

(a) Blast cleaning cabinets in which a suspension of abrasive in water is used and control equipment venting exclusively such equipment.

(b) Abrasive blast cabinet dust-filter combination units where the total internal volume of the blast section is less than 53 cubic feet (1.5 cubic meters).

(c) Enclosed equipment used exclusively for shot blast removal of flashing from rubber and plastics at sub-zero temperatures and control equipment venting exclusively such equipment.

(d) Shot peening operations on non-ferrous materials, provided no surface material is removed, and control equipment venting exclusively such equipment.

**(7) Machining Equipment.**

(a) Equipment used exclusively for buffing (except automatic and semi-automatic tire buffers), polishing, carving, mechanical, cutting, drilling, machining, pressing, routing, sanding, surface grinding or turning of ceramic art work, ceramic precision parts, leather, metals, plastics, rubber, fiberboard, masonry, carbon or graphite, and control equipment exclusively venting such equipment.

(b) Equipment used exclusively for carving, cutting, drilling, planing, routing, sanding, sawing, shredding or turning of wood or the extruding, pressing or storage of wood chips, sawdust, wood shavings, and control equipment exclusively venting such equipment.

(c) Equipment used exclusively to mill or grind coatings and molding compounds where all materials charged are in paste form.

**(8) Printing and Reproduction Equipment.**

(a) Printing and related coating or laminating equipment, without dryers, using less than two gallons of combined graphic arts material per day. Dryers include, but are not limited to, UV lights and infrared lamps. Graphic arts materials are any inks, coatings, adhesives, fountain solutions, thinners, retarders, or cleaning solutions used in printing or related coating or laminating processes. (Does not include equipment associated with wood flat stock coating operations).

(b) Photographic process equipment by which an image is reproduced upon material sensitized by radiant energy and control equipment venting exclusively such equipment.

(c) Platen presses used in laminating.

(d) Silk screening where the product is manually positioned.

**(9) Food Processing and Preparation Equipment.**

(a) Smokehouses for preparing food in which the maximum horizontal inside cross-sectional area does not exceed 21.5 square feet (2 square meters).

(b) Confection cookers where products are edible and intended for human consumption and control equipment venting exclusively such equipment.

(c) Equipment used exclusively to grind, blend, or package tea, cocoa, spices or roasted coffee, and control equipment venting exclusively such equipment.

(e) Equipment used in eating establishments for the purpose of preparing food for human consumption.

(f) Ovens, mixers, scales, and blenders used in bakeries where products are edible and intended for human consumption and control equipment venting exclusively such equipment whose total production is less than 1,000 pounds (454 kilograms) of product per operating day.

(g) Smokehouses using exclusively liquid smoke and which are completely enclosed with no vents to any control device or the atmosphere.

(h) Barbecue equipment which is not used for commercial purposes.

(i) Barbecue equipment which is used for commercial purposes within the district but for not more than a combined total of fourteen (14) days in any calendar year.

**(10) Plastics and Rubber Processing Equipment.**

(a) Any equipment/process listed below that has uncontrolled emissions of VOCs not exceeding five pounds (2.27 kilograms) in any one day.

(i) Presses used for curing rubber products and plastic products where no blowing agent is present.

(ii) Ovens used exclusively for the forming of plastics, which are concurrently being vacuum-held to a mold, and where no foam forming or expanding process is involved, provided such equipment is exempt pursuant to subparagraph (E)(2)(b). Equipment used exclusively for softening or annealing plastics, provided such equipment is exempt pursuant to subparagraph (E)(2)(b).

(b) Presses used exclusively for extruding rubber products or plastics where no plasticizer is present, or for pelletizing polystyrene foam scrap, or to extrude or pelletize acrylics (except those used to pelletize polyvinyl chloride, polystyrene, and their copolymers).

(c) Equipment used for compression molding or injection molding of plastics where no blowing agent is present and control equipment venting exclusively such equipment.

(d) Mixers, roll mills, and colanders for rubber or plastics where no material in powder form is added and no organic solvents, diluents, or thinners are used.

(e) Ovens used exclusively for the curing of vinyl plastisols by the closed-mold curing process provided such ovens are exempt pursuant to subparagraph (E)(2)(b).

(f) Equipment used exclusively for conveying and storing plastic pellets.

**(11) Mixing and Blending Equipment.**

(a) Batch mixers which have a brimful capacity of 55 gallons or 7.35 cubic feet (208 liters) or less.

(b) Equipment used exclusively for mixing and blending of materials to make adhesives where no organic solvents are used and no materials in powder form are added.

(c) Equipment used exclusively for mixing and blending of materials to make water emulsions of asphalt, grease, oils, or waxes where no materials in powder or fiber form are added.

(d) Mills, mixers, post mixing stations and dispersers, with a capacity of less than 251 gallons (950 liters) used exclusively to mix, grind, or thin liquid surface coating, where none of the ingredients exceed 125°F (51.7°C) and no VOC or solvents are used and no supplemental heat is added.

(e) Concrete mixers, with a rated working capacity of less than one cubic yard.

### **(12) Fabric Cleaning and Dyeing Equipment.**

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

(b) Laundry dryers, extractors, or tumblers used for fabrics cleaned only with water solutions of bleach or detergent, and control equipment exclusively venting such equipment.

### **(13) Miscellaneous Process Equipment.**

(a) Equipment used exclusively for bonding lining to brake shoes where no organic solvents are used.

(b) Equipment used exclusively to liquefy or separate oxygen, nitrogen, or the rare gases from air except equipment not exempt pursuant to subparagraph (E)(2)(a) or (E)(2)(b).

(c) Porcelain enameling furnaces, porcelain enameling drying ovens, or vitreous enameling drying ovens, except those units fired with fuel oil provided that such ovens are exempt pursuant to subparagraph (E)(2)(b).

(d) Equipment used exclusively for surface preparation, cleaning, and/or stripping which uses acetic acid, alkaline oxidizing agents, hydrogen peroxide, salt solutions, sodium hydroxide and/or water. (Does not include chemical milling, circuit board etching, or the stripping of chromium).

(e) Equipment used exclusively for electrolytic plating (excluding the use of chromic, hydrochloric or sulfuric acid) or electrolytic stripping (excluding the use of chromic, hydrochloric, nitric or sulfuric acid) of brass, bronze, copper, iron, tin, zinc, precious metals, and associated rinse tanks.

(f) Equipment used exclusively for packaging of lubricants or greases.



(g) Kilns with a rating of less than 2,000,000 Btu (504,000 kilogram calories) per hour used exclusively for firing ceramic ware except those fired by fuel oil (does not include wax burnout kilns).

(h) Equipment used exclusively for coating objects with oils, melted waxes or grease and which contain no organic solvents, diluents, or thinners.

(i) Equipment used exclusively for coating objects by dipping in waxes or natural and synthetic resins which contain no organic solvents, diluents, or thinners.

(j) Unheated, non-conveyorized, non-agitated solvent rinsing containers and unheated non-conveyorized coating dip tanks with:

(i) An open surface area of less than 10.8 square feet (1.0 square meter) and an internal volume of less than 92.5 gallons (350 liters), and;

(ii) Only organic solvents with an initial boiling point of 302oF (150oC) or greater as determined by ASTM test method 1078-66, "Standard Test Method for Distillation Range of Volatile Organic Liquids" and;

(iii) Less than 25 gallons (94.6 liters) of solvent per year are lost to the atmosphere from all such equipment. Solvent lost shall not include solvent that is recycled or disposed of properly.

(k) Batch ovens of less than 53 cubic feet (1.5 cubic meters) of internal volume where no melting occurs except:

(i) Ovens used to cure vinyl plastisols.

(ii) Ovens used to debond brake shoes.

(iii) These exemptions are allowed provided that such ovens are exempt pursuant to subsection (E)(2)(b).

(l) Equipment used exclusively for washing or drying materials provided that no VOC are used in the process or that no fuel oil or solid fuel is burned.

(m) Equipment used exclusively for manufacturing soap or detergent bars, including mixing tanks, roll mills, pladders, cutters, wrappers, where no heating, drying or chemical reactions occur.

(n) Spray coating equipment operated within control enclosures.

(o) Airless spray coating equipment used exclusively for water reducible coatings using less than three gallons per day.

(p) Surface coating and spray coating equipment using a combined total of less than one gallon-per-day (3.8 liters per day) of paint and solvent (does not include control enclosures).

(q) Spray coating equipment and control enclosure used exclusively in primary and secondary schools; for instructional purposes only.

(r) Inert gas generators except equipment not exempt pursuant to subparagraph (E)

(2)(b).

(s) Hammermills used exclusively to process aluminum cans.

(t) Heated degreasers with a liquid surface area of less than 1 square foot (930 square centimeters).

(u) Paper baling and associated shredding equipment and conveying systems serving such equipment and control equipment venting such equipment.

(v) Architectural surface coatings equipment used for business and residential structures.

(w) Oil/water separators that process water contaminated with petroleum products whose Reid Vapor Pressure does not exceed 0.5 pound per square inch (25 mm Hg).

**(14) Storage and Transfer Equipment.**

(a) Equipment used exclusively for the storage and transfer of fresh, commercial, or purer grades of:

(i) Sulfuric acid or phosphoric acid with an acid strength of less than 99 percent weight by weight as determined by test method ASTM E 223-88 or an equivalent method approved by the APCO.

(ii) Nitric acid with an acid strength of less than 70 percent weight by weight as determined by test method ASTM D 891-89 or an equivalent method approved by the APCO.

(b) Equipment used exclusively for the storage of Public Utilities Commission regulated natural gas and liquefied gases.

(c) Equipment used exclusively for the transfer of less than 20,000 gallons (75,700 liters) per day of organic material or equipment used exclusively for the storage of the following:

(i) Unheated organic material with an initial boiling point of 302° F (150° C) or greater, or with an organic vapor pressure of 5 mm Hg (0.1 psia) or less at 70° F (21.1° C) as determined by the following ASTM test methods:

a. ASTM D 2879-86. "Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope"

b. ASTM 1078-86. "Standard Test Method for Distillation Range of Volatile Organic Liquids"

(ii) Fuel oils with 0.9042 specific gravity or higher (25° API or lower) as determined by test method ASTM D 287 or D 1298, or an equivalent method approved by the APCO.

(iii) Fuel oils with 0.8251 specific gravity or higher (40° API or lower) and having a storage capacity of less than 40,000 gallons (151,515 liters) as determined by test method ASTM D 287 or D 1298, or an equivalent method approved by the APCO.

(d) Equipment used exclusively for transferring organic liquids, materials containing organic liquids, or compressed gases into containers of less than 60 gallons (225 liters) capacity, except equipment used for transferring more than 1,057 gallons (4,000 liters) per day of materials with a vapor pressure greater than 25.8 mm Hg (0.5 psia) at operating conditions.

(e) Equipment with a capacity of less than 793 gallons (3,000 liters) used exclusively for the storage and transfer of any oil that has been used for its intended purpose and is subsequently designated for disposal or recycling.

(f) Unheated underground equipment used exclusively for the storage of less than 6,077 gallons (23,000 liters) of organic liquids with a vapor pressure of less than 77.5 mm Hg (1.5 psi) absolute under actual storage conditions as determined by test method ASTM D 2879-86 or an equivalent method approved by the APCO, and equipment used exclusively for the transfer from such storage.

(g) Equipment used exclusively for the storage and transfer of liquid soaps, liquid detergents, vegetable oils, fatty acids, waxes, and wax emulsions.

(h) Equipment used exclusively for the storage and transfer of refined lubricating oils.

(i) Equipment used exclusively for the storage and transfer of gasoline having a storage capacity of less than 250 gallons (946 liters).

(j) Equipment used exclusively for the storage and transfer of "top white" (Fancy) or cosmetic grade tallow or edible animal fats intended for human consumption and of sufficient quality to be certifiable for United States markets.

(k) Equipment used exclusively for the storage, holding, melting, and transfer of asphalt or coal tar pitch with a capacity of less than 148 gallons (560 liters).

(l) Unheated solvent dispensing containers with capacity not more than 250 gallons (947 liters).

(m) Mobile transport tanks or delivery tanks or cargo tanks on vehicles for delivery of VOC, except asphalt tankers, used to transport and transfer hot asphalt for roofing application.

**(15) Exceptions.**

(a) A written permit may be required for any process, article, machine, equipment, or other contrivance, not otherwise subject to such permit requirements, if:

(i) The process, article, machine, equipment, or other contrivance is subject to New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAPS), Maximum Available Control Technology (MACT), Airborne Toxic Control Measure (ATCM) or any source specific prohibitory rule, or;

- (ii) The process, article, machine, equipment, or other contrivance emits, in quantities determined to be appropriate for review by the APCO, substances identified as toxic air contaminants or which are under review as candidate toxic air contaminants by the California Air Resources Board, or Federal EPA, or;
- (iii) The APCO makes a determination that a permit shall be required because the equipment may not operate in compliance with all district rules and regulations.

## (F) Recordkeeping

- (1) Any person claiming exemptions under the provisions of this rule shall provide adequate records and any applicable Material Safety Data Sheets (MSDS) to verify and maintain any exemption. Such records shall be retained on-site for at least two (2) years. Any test method used to verify the percentages, concentration, vapor pressures, etc., shall be District approved.

[SIP: Submitted as amended 10/23/00 on \_\_\_\_\_; Submitted as amended 12/21/94 on 1/24/95; Submitted as amended 11/25/91 on 1/28/92, Approved: 11/9/78, 43 FR 52237, 40 CFR 52.220(c)(39)(ii)(B) and 40 CFR 52.220(e)(31)(vi)(C)]