

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
REGULATION XI
STRATOSPHERIC OZONE PROTECTION**

RULE 1101 OZONE DEPLETING COMPOUNDS

Adopted 2-17-93

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PART 1 GENERAL

1.1 Purpose

The purpose of this rule is to protect the stratospheric ozone layer by reducing the emissions of ozone depleting compounds by requiring the use of alternative compounds and recovery and recycling equipment when feasible.

1.2 Applicability

This rule applies to any person in the District who performs any commercial activity which may directly release ozone depleting compounds into the atmosphere from any source which is required to have a Permit to Operate according to Rule 200.

1.3 Exemptions

1.3.1 Any person may be exempted from the Requirement of this rule if, upon written application, the District determines that no feasible alternative compound is available to be substituted for the ozone depleting compound.

1.3.1.1 An exemption granted pursuant to section 1.3.1 shall be valid for up to one year. After the initial granting of an exemption, the exempted facility may apply annually thereafter, by written application, at the time it is contacted by the District for annual renewal of its permit to operate, for renewal of the exemption.

1.3.1.2 In its application for exemption, and for each subsequent application for renewal of the exemption, the applicant shall itemize the vendors which have been surveyed for the availability of a feasible alternative compound and shall summarize the findings of the survey.

1.3.2 Any person may be exempted from the Requirement of this Rule if, upon written application, the District determines that the permitted process or equipment utilizes recovery and recycling equipment so that emissions of the ozone depleting compounds are reduced to the lowest feasible level.

1.3.2.1 An exemption granted pursuant to section 1.3.2 may require issuance of a revised permit to operate to include the approved recovery equipment. In such cases, the District may issue a revised permit to operate to include such equipment as part of the permitted process.

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1.3.2.2 Upon the granting of an exemption pursuant to section 1.3.2, the approved recovery equipment must continue to be utilized as part of the permitted process to maintain the exemption. The recovery equipment may not be removed or disconnected from the process without prior approval from the District. Granting of an Authority to Construct to remove or modify the recovery equipment will terminate the exemption granted pursuant to this section.

1.3.3 The following uses of ozone depleting compounds are exempt from this rule:

1.3.3.1 as a carrier for sterilizing gases in surgical or medical equipment,

1.3.3.2 in research or teaching laboratories at schools, colleges or universities,

1.3.3.3 at laboratories where the compounds are used for chemical analysis, and

1.3.3.4 in any process in which the compounds are entirely transformed into compounds that do not deplete stratospheric ozone.

1.4 Effective Date

Applications for exemptions under section 1.3 of this rule shall be required beginning June 1, 1993.

1.5 References

1.5.1 Board Resolution # 92-09 states the intention of the District Board to develop rules which protect stratospheric ozone, including this rule regulating the use of ozone depleting compounds.

1.5.2 Section 608 of the federal Clean Air Act Amendments of 1990 requires the lowest achievable level of use and emissions, maximum recycling, and safe disposal of Class I substances (including those defined in section 2.6 of this rule) by 1996.

PART 2 DEFINITIONS

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2.1 Chlorofluorocarbons (CFCs)

the class of chemical compounds containing carbon, fluorine and chlorine; having no hydrogen atoms nor double bonds; and which includes, without limitation: CFC-11, CFC-12, CFC-113, CFC-114, and CFC-115.

2.2 Feasible alternative compounds

any compounds which may be substituted for ozone depleting compounds in a permitted process or source, which either have no ozone depletion potential or have a lesser ozone depletion potential than the compound to be replaced. The feasibility of the substitution shall be based upon considerations of safety, functional equivalence, and commercial availability.

2.3 Halons

the class of carbon compounds containing bromine and chlorine and/or fluorine, and which includes without limitation: Halon 1211, Halon 1301, and Halon 2402.

2.4 Hydrochlorofluorocarbons (HCFCs)

the class of chemical compounds containing hydrogen, carbon, fluorine and chlorine, and which includes without limitation: HCFC-22, HCFC-123, HCFC-124, and HCFC-141b.

2.5 Lowest feasible level

the minimum amount of airborne emissions from a process or device which is obtainable with conventional operating procedures, process controls and recovery equipment. For the purposes of the determination of an exemption under section 1.3.2, the evaluation of conventional procedures, controls, and equipment shall be based upon guidelines or standards which have been developed by the USEPA pursuant to the Clean Air Act, or by the California Air Resources Board, and the District's knowledge of prevailing practices and commercial availability.

2.6 Ozone depleting compounds

any of the following chemical compounds: chlorofluorocarbons, hydrochlorofluorocarbons, halons, methyl chloroform (1,1,1-trichloroethane), and carbon tetrachloride.

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2.7 Ozone depletion potential

the ozone depletion weight as published in Appendix A to Subpart A of Title 40, Code of Federal Regulations, Part 82.

2.8 Person

any firm, business establishment, association, partnership, corporation, or individual, whether acting as principal, agent, employee, or other capacity.

PART 3 REQUIREMENT

No person shall use, or allow the discharge of, any ozone depleting compound in any process or activity for which a District Permit to Operate is required pursuant to Rule 200 unless an exemption under section 1.3 of this rule is applicable.

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