

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION NO. 2013- 04

**A Resolution of the Board of Directors of the
Bay Area Air Quality Management District
Adopting District Regulation 6, Rule 4: Metal Recycling and Shredding Operations;
Adopting District Regulation 12, Rule 13: Foundry and Forging Operations; and
Adopting a CEQA Negative Declaration for the Project**

WHEREAS, a public hearing has been properly noticed in accordance with the provisions of Health & Safety Code Section 40725 concerning adoption of District Regulation 6, Rule 4: Metal Recycling and Shredding Operations; to adopt District Regulation 12, Rule 13: Foundry and Forging Operations; and to amend District Regulation 2, Rule 1: General Requirements;

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District has determined that a need exists to adopt District Regulation 6, Rule 4: Metal Recycling and Shredding Operations and to adopt District Regulation 12, Rule 13: Foundry and Forging Operations (“Proposed Rules”), in order to: (1) implement Stationary Source Measure (SSM) -1 of the District’s 2010 Clean Air Plan for the control of PM emissions and odors from foundry operations and metal melting facilities; (2) help reduce fugitive PM emissions from foundry and forging operations by approximately 5.7 tons per year; (3) help reduce fugitive PM emissions from metal recycling and shredding operations by approximately 6.5 tons per year; and (4) contribute toward attainment of the state ambient air quality standard for PM;

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District obtains its authority to adopt, amend or repeal rules and regulations from Sections 40000, 40001, 40702, and 40725 through 40728.5, of the California Health & Safety Code;

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District has determined that the Proposed Rules are written and displayed so that their meaning can be easily understood by the persons directly affected by the rules;

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District has determined that the Proposed Rules are in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations;

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District has determined that the Proposed Rules do not impose the same requirements as any existing state or federal regulation and are necessary and proper to execute the power and duties granted to, and imposed upon the District;

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District, by adopting the Proposed Rules, is implementing, interpreting or making specific the

provisions of Health & Safety Code § 40001 (rules to achieve ambient air quality standards), and § 40702 (rulemaking actions that are necessary and proper to execute the powers and duties granted to it);

WHEREAS, the Proposed Rules are designed to achieve reductions of approximately 12.2 tons per year of PM emissions from operations in the San Francisco Bay Area;

WHEREAS, the District prepared an initial draft rule and permit rule amendments concerning metal production operations and metal recycling operations, published them for comment, and held two public workshops on July 27 and 28, 2011, to discuss the draft rule with interested parties and the public;

WHEREAS, subsequent to the July 2011 public workshops, District staff revised the proposal, in part by bifurcating the proposed rule into two separate rules that addressed separately metal processing operations and metal recycling operations, based on comments provided by the public, and thereafter District staff published the revised draft rules and amendments for comment and held two public workshops on July 11 and 12, 2012, to discuss the draft rules and the draft amendments to Regulation 2, Rule 1 with interested parties and the public in advance of the public hearing on May 1, 2013;

WHEREAS, on March 8, 2013, District staff published in newspapers and distributed and published on the District's website a request for public comments and input on the Proposed Rules and on proposed amendments to Regulation 2, Rule 1 ("Proposed Amendments") and notice of a public hearing on the Proposed Rules and Proposed Amendments to be held on April 17, 2013;

WHEREAS, on March 18, 2013 District staff presented the Proposed Rules and the Proposed Amendments for discussion with to the Stationary Source Committee of the Board of Directors of the Bay Area Air Quality Management District;

WHEREAS, on March 29, 2013, the District transmitted the text of the Proposed Rules and the Proposed Amendments to the California Air Resources Board;

WHEREAS, on April 3, 2013, District staff published in newspapers and distributed and published on the District's website notice of the re-scheduled public hearing on the Proposed Rules and the Proposed Amendments to be held on May 1, 2013;

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District held a public hearing on May 1, 2013, to consider the Proposed Rules and the Proposed Amendments in accordance with all provisions of law;

WHEREAS, at the May 1, 2013 public hearing, the subject matter of the Proposed Rules and the Proposed Amendments was discussed with interested persons in accordance with all provisions of law;

WHEREAS, District staff has prepared and presented to this Board a detailed staff report on the Proposed Rules and the Proposed Amendments (“Staff Report”), which has been considered by this Board and is incorporated herein by reference;

WHEREAS, the Board of Directors finds and determines that the Proposed Rules and the Proposed Amendments are considered a “project” (“Project”) pursuant to the California Environmental Quality Act (“CEQA”) (Public Resources Code § 21000 *et seq.*);

WHEREAS, the District is the CEQA lead agency for this Project pursuant to CEQA Guidelines § 15050 (14 California Code of Regulations [“CCR”] § 15050);

WHEREAS, District staff contracted with Environmental Audit, Inc., of Placentia, California to prepare an assessment of the potential environmental effects from the adoption and implementation of the Proposed Rules and the Proposed Amendments;

WHEREAS, Environmental Audit, Inc., prepared an Initial Study as required by CEQA, in which the potential environmental effects from the adoption and implementation of the Proposed Rules and the Proposed Amendments were analyzed, and subsequently prepared a Draft Negative Declaration for the proposed rulemaking project because the Initial Study identified no potentially significant effects on the environment and because there is no evidence in the record before the District that there could be a significant effect on the environment from the adoption and implementation of this rulemaking project;

WHEREAS, that Draft Negative Declaration and Initial Study were offered for and subjected to public review and comment (Public Resources Code §§ 21082.1, 21091, 21092; California Code of Regulations, title 14, § 15070 *et seq.*);

WHEREAS, public notice was provided and copies of the Draft Negative Declaration were made available to all interested persons and provided an adequate comment period of at least 20 days pursuant to CEQA Guidelines § 15105, subdivision (b);

WHEREAS, District staff received one comment from an interested person during the comment period that District staff reviewed as a comment on the CEQA document;

WHEREAS, District staff, in exercising its independent judgment, has determined that there is no substantial evidence, in light of the whole record before the District, that the adoption and implementation of the Proposed Rules and of the Proposed Amendments could have a significant effect on the environment;

WHEREAS, it is necessary that the adequacy of the Draft Negative Declaration be determined by the Board of Directors of the Bay Area Air Quality Management District prior to its adoption;

WHEREAS, the members of the Board of Directors voting on this Resolution have reviewed and considered the Draft Negative Declaration;

WHEREAS, the Board of Directors finds and determines that in light of the whole record before it (which specifically includes the Initial Study and the Draft Negative Declaration), the Proposed Rules and the Proposed Amendments will not have any significant adverse impacts on the environment, and the Negative Declaration reflects the District's independent judgment and analysis;

WHEREAS, the Board of Directors, pursuant to the requirements of Health & Safety Code § 40728.5, has actively considered the socioeconomic impacts of the Proposed Rules and has reviewed and considered the "Socio-Economic Impact Study of the Proposed Bay Area 2012 Clean Air Plan, Control Measure SSM-1, Regulation 12: Miscellaneous Standards of Performance, Rule 13: Foundry and forging Operations and Regulations 6: Particulate Matter, Rule 4: Metal Recycling and Shredding Operations" prepared for the District by bae urban economics with offices in Emeryville, California ("BAE"), and has determined that the Proposed Rules would have no significant socioeconomic impacts;

WHEREAS, the Board of Directors, pursuant to the requirements of Health & Safety Code § 40920.6, has actively considered the incremental cost-effectiveness of the Proposed Rules in meeting emission reduction goals under the California Clean Air Act as set forth in Section VI of the Staff Report, and finds and determines that there are no incrementally more cost-effective potential control options that would achieve the emission reduction objectives of the Proposed Rules;

WHEREAS, the District has prepared, pursuant to the requirements of Health & Safety Code § 40727.2, a comparison of federal, state, and District requirements applicable to this source category and has found that the Proposed Rules would not be conflict with any federal, state, or other District rules, and the Board of Directors has agreed with these findings;

WHEREAS, the documents and other materials that constitute the record of proceedings on which this rulemaking project is based are located at the Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, 94109, and the custodian for these documents is Sean Gallagher, Clerk of the Boards;

WHEREAS, District staff recommends adoption of the Proposed Rules and adoption of the Negative Declaration for the Proposed Rules and the Proposed Amendments;

WHEREAS, the Board of Directors concurs with District staff's recommendations to adopt the Proposed Rules with language added to proposed Section 12-13-220 to confirm that the definition of "minimization" harmonizes with the provisions of 12-13-405.3 and with language added to proposed Section 6-4-207 to confirm that the definition of "minimization" harmonizes with the provisions of 6-4-405.3; and the Board of Directors desires to adopt the Proposed Rules as revised and desires to adopt the Negative Declaration for the Proposed Rules and the Proposed Amendments to comply with CEQA.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Bay Area Air Quality Management District does hereby adopt the proposed Regulation 12, Rule 13: Foundry and Forging Operations, with language added to proposed Section 12-13-220 to confirm that the definition of “minimization” harmonizes with the provisions of 12-13-405.3, which provides that the Air Pollution Control Officer (“APCO”) will consider technical and economic feasibility and worker health and safety in making recommendations to facility emissions minimization plans (“EMPs”), and does hereby adopt proposed Regulation 6, Rule 4: Metal Recycling and Shredding Operations, with language added to proposed Section 6-4-207 to confirm that the definition of “minimization” harmonizes with the provisions of 6-4-405.3, which provides that the APCO will consider technical and economic feasibility and worker health and safety in making recommendations to facility EMPs, pursuant to the authority granted by law, as set forth in Attachment A hereto, and discussed in the Staff Report (including Appendices), with instructions to staff to correct any typographical or formatting errors before final publication of the proposed Regulation 12, Rule 13: Foundry and Forging Operations and proposed Regulation 6, Rule 4: Metal Recycling and Shredding Operations.

BE IT FURTHER RESOLVED, that the Board of Directors of the Bay Area Air Quality Management District does not adopt amendments to Regulation 2, Rule 1: General Requirements.

BE IT FURTHER RESOLVED, that the Board of Directors of the Bay Area Air Quality Management District does hereby direct District staff to continue investigation of the provision of incentives to owners and operators of facilities for which EMPs will be required.

BE IT FURTHER RESOLVED, that the Board of Directors of the Bay Area Air Quality Management District does hereby direct District staff to present to the Board of Directors a report on the EMPS received, but not yet approved by District staff, which presentation shall take place in or about one year from adoption of the Proposed Rules.

BE IT FURTHER RESOLVED, that the Board of Directors of the Bay Area Air Quality Management District does hereby direct District staff to make facility EMPs available for public review prior to APCO approval of the EMPs.

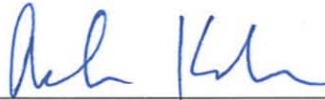
BE IT FURTHER RESOLVED, that the Board of Directors of the Bay Area Air Quality Management District does hereby adopt the Negative Declaration pursuant to CEQA for the Proposed Rules and Proposed Amendments.

The resolution to adopt the Negative Declaration pursuant to CEQA for the Proposed Rules and Proposed Amendments was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of Director Hudson, seconded by Director KNISS, on the first day of May, 2013 by the following vote of the Board:

AYES: ADAMS, AVALOS, BARRETT, BATES, GROOM, HAGGERTY,
HUDSON, KALRA, KLATT, KNISS, MAR, MILEY, PEPPER,
ROSS, SBRANTI, SPERING, WAGENKNECHT, YEAGER

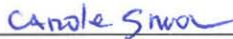
NOES: NONE.

ABSENT: GIOIA, LEE, PIEPHO, ZANE



Ash Kalra
Chairperson of the Board of Directors

ATTEST:



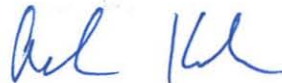
Carole Groom
Secretary of the Board of Directors

With the exception of that portion of the resolution to adopt the Negative Declaration pursuant to CEQA for the Proposed Rules and Proposed Amendments that was adopted on the Motion of Director Hudson, the foregoing resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of Director Bates, seconded by Director Miley, on the first day of May, 2013 by the following vote of the Board:

AYES: ADAMS, AVALOS, BATES, GROOM, HAGGERTY, KNISS, MAR,
MILEY, PEPPER, ROSS, SPERING, WAGENKNECHT, YEAGER,
KALRA

NOES: SBRANTI

ABSENT: BARRETT, GIOIA, HUDSON, KLATT, LEE, PIEPHO, ZANE



Ash Kalra
Chairperson of the Board of Directors

ATTEST:

Carole Groom

Carole Groom
Secretary of the Board of Directors

ATTACHMENT A

[PROPOSED RULES AND AMENDMENTS]

Regulation 12, Rule 13: Foundry and Forging Operations

Regulation 6, Rule 4: Metal Recycling and Shredding Operations

**REGULATION 6
PARTICULATE MATTER
RULE 4
METAL RECYCLING AND SHREDDING OPERATIONS**

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**REGULATION 6
PARTICULATE MATTER
RULE 4
METAL RECYCLING AND SHREDDING OPERATIONS**

(Adopted May 1, 2013)

6-4-100 GENERAL

6-4-101 Description: The purpose of this Rule is to require the development of and compliance with Emissions Minimization Plans designed to minimize the fugitive emissions of particulate matter from metal recycling facilities operating within the District.

6-4-102 Applicability: This Rule is applicable to any person who owns or operates within the District a metal recycling facility with a metal throughput of 1000 tons or more per rolling twelve-month period.

6-4-103 Exemption, Regulation 12, Rule 13: Emissions Minimization Plan: The requirements of Section 6-4-401 shall not apply to any person subject to the requirements of Regulation 12, Rule 13: Foundry and Forging Operations, Section 12-13-401, Emissions Minimization Plan Requirements, provided the provisions of Section 12-13-401 are met and the EMP includes the operations listed under Section 6-4-402.

6-4-104 Limited Exemption, Annual Metal Throughput: Neither the Standards (Sections 6-4-301 et seq.) nor the Administrative Requirements (Sections 6-4-401 et seq.) shall apply to any metal recycling facility:

104.1 That has a metal throughput of 50,000 tons or less per rolling twelve-month period, or

104.2 That does not conduct shredder operations, or that does not produce, receive, or process shredded metal.

6-4-200 DEFINITIONS

6-4-201 Depollution Operations: Depollution operations include the removal of lead batteries, polychlorinated biphenyl (PCB) capacitors; mercury switches; sodium azide canisters; refrigerants; free liquids, including gasoline, diesel fuel, radiator, wiper, brake and transmission fluids; and lead tire weights.

6-4-202 Fugitive Emissions: For the purpose of this Rule only, the emissions of particulate matter to the atmosphere that are not released through a system of equipment that is designed to capture pollutants at the source, convey them through ductwork, and exhaust them using forced ventilation. Fugitive emissions include particulate matter emissions from metal management, shredding and segregation operation, wind-blown dust, and track-out.

6-4-203 Metal: For the purposes of this Rule, metals include ferrous (iron-based) metals and alloys and non-ferrous (non-iron-based) metals and alloys. Examples of metals include iron, steel, and their iron-based alloys; aluminum, copper, brass, bronze, gold, silver, zinc, tin, lead, platinum, nickel, chromium, cadmium, manganese, mercury, tungsten, and titanium and their alloys.

6-4-204 Metal Management: The transport, receipt, collection, sorting, segregation, separation, compilation, crushing, shredding, and storage of metals, metal-containing materials and non-metallic materials at a metal recycling and shredding facility.

6-4-205 Metal Recycling Facility: Any real property or structure that is used for the receipt, storage, segregation, or separation of scrap metal and mixed materials for reuse or resale.

6-4-206 Metal Throughput: The weight of metal, in tons, collected at a metal recycling facility.

6-4-207 Minimization: The reduction to the smallest possible amount, consistent with Section 12-13-405.3.

- 6-4-208 Particulate Matter:** Any material that is emitted as liquid or solid particles or as gaseous material which becomes liquid or solid particles that can remain suspended in the air, excluding uncombined water.
- 6-4-209 Responsible Manager:** An employee designated by the owner or operator of a facility to take actions required for compliance with this Rule on behalf of that facility.
- 6-4-210 Scrap Metal:** Any metal or metal-containing material that has been discarded or removed from the use for which it was produced or manufactured and which is intended for reprocessing.
- 6-4-211 Shredder Residue (SR):** The material that remains after processing scrap metal, such as end-of-life vehicles and appliances. Shredder residue includes, but is not limited to, plastics, vinyl, sponge, foam, leather, textiles, rubber and glass, and is also known as "fluff."
- 6-4-212 Shredding Operation:** The cutting and crushing of cars and other metallic items into fist-sized metal chunks or smaller that are screened and subsequently separated by machinery that drives rotors that spin hammers.
- 6-4-300 STANDARDS**
- 6-4-301 Compliance with Emissions Minimization Plan:**
- 301.1** Effective 90 days from the date that the Emissions Minimization Plan (EMP) is approved by the APCO pursuant to Section 6-4-405.5, the owner or operator of a metal recycling facility shall operate the facility at all times in accordance with its approved EMP; or
- 301.2** Thirty days following the disapproval of the EMP by the APCO, the owner or operator of a metal recycling facility shall be in violation of this section.
- 6-4-400 ADMINISTRATIVE REQUIREMENTS**
- 6-4-401 Emissions Minimization Plan Requirements:** The owner or operator of any metal recycling facility subject to the requirements of this Rule shall develop and submit to the APCO in accordance with Sections 6-4-402 through 406 an Emissions Minimization Plan (EMP) that details management practices, measures, equipment and procedures that are employed or will be implemented to minimize fugitive emissions.
- 6-4-402 Operations Subject to the EMP:** The EMP shall address fugitive emissions from all of the following operations that are conducted at and are at areas located at the metal recycling facility:
- 402.1** Roadways and other Trafficked Surfaces;
- 402.2** Metal Management;
- 402.3** Shredder Residue (SR) Management; and
- 402.4** Depollution Operations.
- 6-4-403 Contents of the EMP:** The owner or operator of the metal recycling facility subject to Section 6-4-401 shall prepare a complete and accurate EMP that details the management practices, measures, equipment and procedures that are employed or are scheduled to be implemented to minimize fugitive emissions for all operations subject to the EMP:
- 403.1 Technical Data: The EMP shall include:**
- 1.1** A detailed process flow diagram that clearly and accurately indicates all operations listed in Section 6-4-402 and the flows of materials used or produced in those operations at the facility, starting from the point of material receipt from off site to the achievement of the final product. The process flow diagram shall identify the monitoring and the processes and controls that minimize fugitive emissions, including, but not limited to scrubbers, cyclones, baghouses, and baghouse leak detectors. All abatement and control devices shall be identified either using District Source Numbers according to their District Permit or as exempt from District permit requirements.

- 1.2 A facility layout/site plan that clearly and accurately indicates the relative locations of all items identified in Section 6-4-403.1.1, including all equipment and permitted and exempt sources at the facility, all building walls, partitions, doors, windows, vents, and openings, and indicate all areas that have particulate matter abatement, and any other source(s) that may contribute to particulate emissions. All metal recycling equipment shall be identified either using District Source Numbers according to their District Permit or as exempt from District permit requirements.
- 1.3 The name of the Responsible Manager and alternate responsible manager(s), if any, their schedules, and contact information.
- 403.2 **Fugitive Emissions Reductions Previously Realized:** A description of the equipment, processes and procedures installed or implemented within the last five years to reduce fugitive emissions.
- 403.3 **Scrap Acceptance Policy:** A copy of the facility's scrap acceptance policy outlining practices to prevent entraining into the metal management process those substances that are removed during depollution operations, such as free liquids, mercury switches, sodium azide canisters and polychlorinated biphenyl (PCB) capacitors.
- 403.4 **Schedule for the Implementation of the EMP Elements:** A list of each of the following:
 - 4.1 The specific elements of the EMP that are in place as of the initial date of the submission of the EMP to the APCO for approval; and
 - 4.2 The specific elements of the EMP that will be implemented following APCO approval of the EMP and the implementation schedule for each of those specific elements.
- 6-4-404 **Compliance Schedule for the EMP:** The owner or operator of any metal recycling facility required to develop an EMP shall submit a complete and accurate EMP in accordance with the following schedule:
 - 404.1 **Submission:** Submit the EMP to the APCO no later than May 1, 2014, or no later than no later than 12 months following becoming subject to the requirements set forth in Section 6-4-401. The Responsible Manager shall certify the EMP as complete and accurate and sign it. The APCO may require the owner or operator to submit additional information to assure the completeness and accuracy of the EMP to ensure the minimization of fugitive emissions of particulate matter.
 - 404.2 **Completeness Determination:** Within 30 days of receipt of the EMP, the APCO will notify the owner or operator in writing whether the EMP is complete. The EMP is complete if the APCO determines that it includes all of the information required by Sections 6-4-402 and 403. If the APCO determines that the proposed EMP is not complete, the notification will specify the basis for this determination and the required corrective action.
 - 404.3 **Corrective Action:** Upon receipt of such notification, the owner or operator shall correct the deficiencies and resubmit the proposed EMP within 30 days. If the APCO determines that the owner or operator failed to correct any completeness deficiency identified in the notification, the APCO will reject the EMP as incomplete.
- 6-4-405 **Review and Approval of the EMP:** The procedures for determining whether each EMP meets the applicable requirements of this Rule are as follows:
 - 405.1 **Receipt and File Creation:** Upon receipt of an EMP from a facility subject to the requirements of Section 6-4-401, the APCO shall create a file that shall include the EMP as received, the results of the completeness determination, any comments received during the public comment period, and any recommendations made by the APCO.
 - 405.2 **Public Comment:** The APCO shall make the complete EMP (with exception of facility-designated confidential information) available for public comment for 30 days. The APCO will collect and forward all public comments to the facility for consideration at the end of the 30-day comment period. At the

APCO's discretion, the District may extend the comment period up to 90 days and/or may hold a public meeting to discuss the draft EMP during the comment period.

405.3 APCO Recommendations: Within 30 days of the close of the public comment period, the APCO shall review the draft EMP and the public comments and notify the owner or operator of the APCO's recommendations, if any, for additional processes and procedures to further reduce or prevent fugitive emissions from the metal recycling facility, based on technical and economic feasibility, and made in consideration of worker health and safety.

405.4 Revision and Final Submission: Within 30 days of receipt of the APCO recommendations, the owner or operator shall:

4.1 Accept all of the APCO's recommendations and submit the EMP with the incorporated recommendations to the APCO and certified by the Responsible Manager; or

4.2 Specify the APCO recommendations that are accepted, and submit the EMP with the incorporated APCO recommendations to the APCO and provide a basis for the rejection of any of the APCO's recommendations. The Responsible Manager shall certify the EMP.

405.5 Approval: Within 30 days of the receipt of the final submission of the EMP, the APCO will review the EMP.

5.1 If the APCO determines that the EMP does not meet the requirements of Sections 6-4-402, 403, 405.3 and 405.4, the APCO will notify the owner or operator in writing. The notification will specify the basis for this determination. Upon receipt of such notification, the owner or operator shall correct the identified deficiencies and resubmit the EMP to the APCO within 30 days. If the APCO determines that the owner or operator failed to correct any deficiency identified in the notification, the APCO will disapprove the EMP.

5.2 If the APCO determines that the EMP meets the requirements of Section 6-4-402, 403, 405.3 and 405.4, the APCO will approve the EMP and shall provide written notification to the owner or operator. This period may be extended if necessary to comply with state law.

6-4-406 Designation of Confidential Information: With each submission of an EMP or any portions thereof or revisions thereto, the owner or operator of a metal recycling facility subject to Section 6-4-401 shall designate as confidential any information claimed to be exempt from public disclosure as trade secrets or by other provisions of law. If a document is submitted that contains information designated confidential in accordance with this Section, the owner or operator shall provide a justification for this designation and shall submit a separate copy of the document marked as "public copy," with the information claimed to be confidential redacted.

6-4-407 Reporting Requirements for Planned Fugitive Emissions Reductions and Prevention Measures: The owner or operator of a metal recycling facility subject to Section 6-4-401 shall report to the APCO no later than May 1, 2015, a description of the equipment and all feasible processes and procedures to be installed or implemented within the next five years to reduce or prevent fugitive emissions, that are not a part of the EMP pursuant to Section 6-4-403.2 with a schedule of implementation.

6-4-408 Five-Year Review of the EMP: The owner or operator of a metal recycling facility subject to the requirements of Section 6-4-401 shall update the APCO-approved EMP and submit the updated EMP to the APCO for review within 90 days of the five-year anniversary date of the approval of the original EMP and within 90 days of every five-year anniversary thereafter. Review and approval of the EMP will follow the schedule in Sections 6-4-402 and 403. The updated EMP must be certified by a Responsible Manager.

6-4-409 Review and Modification of the EMP: Within 90 days of any of the following events:

- 409.1 The APCO determined that the owner or operator violated Section 6-4-301;
or
- 409.2 The APCO determined that the owner or operator violated District, State or federal air quality regulations pertaining to emissions of PM; or
- 409.3 The owner or operator commenced a facility operation, process, equipment, or throughput change that required a modification of the Permit to Operate for that operation, process, equipment or throughput change;
- the APCO may notify the owner or operator of a metal recycling facility where the triggering event occurred, and that is subject to the requirements of Section 6-4-401, to review and submit a complete and accurate revised EMP to the APCO that updates the EMP to include the modified operation or source or to prevent a future violation of the EMP or applicable law or regulation specified herein, in accordance with schedule set forth in Section 6-4-404.

6-4-500 RECORDS AND MONITORING

6-4-501 Recordkeeping Requirements: The owner or operator of any metal recycling facility subject to the requirements of this rule shall maintain all records that are necessary to determine compliance with the requirements of Sections 6-4-301 and 401 for a minimum of five years and make them available to the APCO or a designee of the APCO upon request. The records shall include the monthly throughput of each type of metal processed, including metal shredded or recycled and the basis for each throughput determination.

6-4-502 Annual Scrap Metal Throughput: The owner or operator of any metal recycling facility subject to the requirements of this rule shall maintain records of the annual throughput of scrap metal recycled on a twelve-month rolling average and of the basis for the throughput determination for a minimum of five years. The owner or operator shall make the records available to the APCO or a designee of the APCO upon request.

6-4-600 MANUAL OF PROCEDURES

REGULATION 12
MISCELLANEOUS STANDARDS OF PERFORMANCE
RULE 13
FOUNDRY AND FORGING OPERATIONS

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REGULATION 12
MISCELLANEOUS STANDARDS OF PERFORMANCE
RULE 13
FOUNDRY AND FORGING OPERATIONS

(Adopted May 1, 2013)

12-13-100 GENERAL

12-13-101 Description: The purpose of this Rule is to require the development of and compliance with Emissions Minimization Plans designed to minimize the fugitive emissions of particulate matter and odorous substances from foundries and forges operating within the District.

12-13-102 Applicability: This Rule is applicable to any person who owns or operates a District-permitted furnace or oven (pursuant to District Regulation 2: Permits, Rule 1: General Requirements) at a foundry or forge that processes at least one (1.0) tons of metal per rolling twelve-month period.

12-13-103 Exemption, Metal or Alloy Purity and Small Facilities: Neither the Standards (Sections 12-13-301 et seq.) nor the Administrative Requirements (Sections 12-13-401 et seq.) apply to the following facilities:

103.1 Clean Metal or Alloy Purity Exemption: Facilities or furnaces that melt only clean aluminum scrap or a metal or alloy (other than lead, solder, or zinc scrap) that is demonstrated to have a content of no more than 0.004 percent of cadmium and no more than 0.002 percent of arsenic pursuant to Section 12-13-601;

103.2 Small Facilities Exemptions: Foundries or forges that melt or heat treat 2,500 tons or less of metal per rolling twelve-month period.

12-13-200 DEFINITIONS

12-13-201 Alloy: A solid or molten mixture of two or more metals or of metals and nonmetallic elements. Examples of alloys include steel, brass, and bronze.

12-13-202 Binder: A material consisting of resin, activator, or catalyst or a combination thereof, used to bind sand together in metal casting operations. Binders may include phenolic-based resins, urethanes, epoxy-acrylics, furfuryl alcohol, and sodium silicate.

12-13-203 Casting: The formation of metallic parts or casts by pouring molten metal into a mold and core assembly or into a mold for ingots, pigs, sows and cylinders.

12-13-204 Charging: The process of adding materials, such as metal, coke, flux, and charcoal to a furnace in preparation to heat and melt metal.

12-13-205 Cooling: The act of allowing cast metal to cool close to ambient temperatures while being contained in the mold.

12-13-206 Cupola: A vertical cylindrical shaft furnace to melt iron and steel by combustion of a charging material forced upward by heated air. Charge components may include coke, limestone and forms of iron and steel, such as scrap and foundry returns.

12-13-207 Die Casting: The process of injecting molten metal under high pressure into a steel mold, known as a die, to form metal parts.

12-13-208 Dross: The solid impurities floating on a molten metal composed primarily of impurities, metal, and metal oxides.

12-13-209 Finishing Operation: Operations that are performed once a cast metal part has been shaken out and cooled and that address imperfections and assembly in preparation of the final product for the customer. Finishing operations includes shot blasting, grinding, and welding.

12-13-210 Forge: Any facility at which forging operations are conducted.

- 12-13-211 Forging Operations:** The act of creating metal products by heat treating and shaping metals. Forging operations include operation of an oven in which metal is heated until it is malleable, hardening, annealing, tempering stamping, pressing, extruding, hammering, and quenching.
- 12-13-212 Foundry:** Any facility at which foundry operations are conducted.
- 12-13-213 Foundry Operations:** The operation of a furnace in which scrap metal, ingots, and/or other forms of metal is charged, melted, and tapped; the casting of metal parts; the cooling and shake-out of the cast metal parts; mold and core making; finishing of the cast metal part; metal management and sand reclamation.
- 12-13-214 Fugitive Emissions:** For the purpose of this Rule only, the emissions of particulate matter and odorous substances to the atmosphere from man-made sources that are not released through a system of equipment that is designed to capture pollutants at the source, convey them through ductwork, and exhaust them using forced ventilation. Fugitive emissions include mold vent gases, equipment leaks, particulate emissions from metal handling and uncontrolled product finishing, and emissions that are released through windows, doors, vents, and other general building ventilation or exhaust systems.
- 12-13-215 Furnace:** For the purposes of this Rule only, a device used to melt metal. Types of furnaces include, but are not limited to, cupola, electric arc, pot, induction, blast, crucible, sweat, and reverberatory furnaces.
- 12-13-216 Grinding:** A machining process used to either shape components that are too hard to be machined by conventional methods, such as hardened tool steels and case or induction-hardened components, or used to obtain a high degree of dimensional accuracy and surface finish on a component.
- 12-13-217 Metal:** For the purposes of this Rule, metals include ferrous (iron-based) metals and alloys and non-ferrous (non-iron-based) metals and alloys. Examples of metals include iron, steel, and their iron-based alloys; aluminum, copper, brass, bronze, gold, silver, zinc, tin, lead, platinum, nickel, chromium, cadmium, manganese, mercury, tungsten, and titanium and their non-ferrous alloys.
- 12-13-218 Metal Management:** The transport, receipt, collection, sorting, segregation, separation, compilation, and storage of metals, metal-containing materials and non-metallic materials at a foundry or forge.
- 12-13-219 Metal Throughput:** The weight of metal, in tons, charged to a furnace and melted.
- 12-13-220 Minimization:** The reduction to the smallest possible amount, consistent with Section 12-13-405.3.
- 12-13-221 Mold and Core Making Operations:** The formation of molds and/or cores from sand; binders; and other substances, such as clay, starch, charcoal, acrylics, phenols, and urethane to form mold assemblies to be used in the casting of metallic objects.
- 12-13-222 Odorous Substances:** For the purposes of this rule only, odorous substances are phenols and phenolic compounds used in or emitted from mold and core making, casting, cooling, and shake out operations.
- 12-13-223 Oven:** A device used to heat metal until it is malleable, but not to the point of melting.
- 12-13-224 Particulate Matter:** Any material that is emitted as liquid or solid particles or as gaseous material which becomes liquid or solid particles that can remain suspended in the air, excluding uncombined water.
- 12-13-225 Pouring and Casting Operations:** The act of transferring molten metal into a mold or mold assembly.
- 12-13-226 Responsible Manager:** An employee, designated by the owner or operator of a foundry or forge with the authority to direct, operate, manage or control the facility's foundry or forging operations.
- 12-13-227 Sand Reclamation:** The act of reducing lumps and removing foreign material and residual binder and/or carbonaceous, metallic and other contaminants from each grain of foundry sand used in mold assemblies.
- 12-13-228 Scrap Metal:** Any metal or metal-containing material that has been discarded or removed from the use for which it was produced or manufactured and which is

intended for reprocessing. "Scrap metal" does not include sprues, gates, risers, foundry or forge returns, and similar material intended for remelting that has been generated at the foundry or forge as a consequence of casting or forming processes but that has not been coated or surfaced with any material containing cadmium, arsenic, or nickel.

12-13-229 Shake Out: The separation of a metal casting from a mold assembly.

12-13-230 Shot Blasting: The act of impinging a metallic surface with shot such as sand, steel balls, or silicon carbide granules to texturize (smooth or roughen) or remove imperfections from a metallic surface.

12-13-231 Slag: A partially vitreous by-product of metal melting which contains impurities, including metallic oxides. Slag may be lighter than, and rest upon, the molten metal fraction in a furnace and may be poured off before the molten metal can be tapped.

12-13-232 Tapping: The pouring of molten metal from a furnace into ladles for transport to an area for casting.

12-13-233 Welding: The act of joining two pieces of metal together by the use of heat or pressure or both to produce a metal product. Types of welding including metal arc, atomic hydrogen, submerged arc, resistance butt, flash, spot, stitch, stud and projection.

12-13-300 STANDARDS

12-13-301 Requirement to Comply with an Emissions Minimization Plan:

301.1 Effective 90 days from the date that the Emissions Minimization Plan (EMP) is approved by the APCO pursuant to Section 12-13-405.5, the owner or operator of a foundry or forge shall operate the facility at all times in accordance with an approved EMP; or

301.2 Thirty days following the disapproval of the EMP by the APCO, the owner or operator of a foundry or forge shall be in violation of this section.

12-13-400 ADMINISTRATIVE REQUIREMENTS

12-13-401 Emissions Minimization Plan Requirements: The owner or operator of any foundry or forge subject to the requirements of this Rule shall develop an Emissions Minimization Plan (EMP) that details management practices, measures, equipment and procedures that are employed or are scheduled to be implemented to minimize fugitive emissions of particulate matter and of odorous substances, as prescribed in Sections 12-13-402 and 403.

12-13-402 Operations Subject to the EMP: The EMP shall address all of the following operations that are conducted at the foundry or forge:

402.1 Mold and Core Making Operations;

402.2 Metal Management;

402.3 Furnace Operations, including tapping and pouring;

402.4 Forging Operations;

402.5 Casting and Cooling Operations;

402.6 Shake Out Operations;

402.7 Finishing Operations;

402.8 Sand Reclamation;

402.9 Dross and Slag Management.

12-13-403 Contents of the EMP: The owner or operator of the foundry or forge subject to Section 12-13-401 shall prepare a complete and accurate EMP that details the management practices, measures, equipment and procedures that are employed or scheduled to be implemented to minimize fugitive emissions of particulate matter and odorous substances for the operations subject to the EMP:

403.1 Technical Data: The EMP shall include:

1.1 A detailed process flow diagram that clearly and accurately indicates all operations listed in Section 12-13-402 and the flows of materials

used or produced in those operations at the facility, starting from the point of material receipt from off site to the achievement of the final product. The process flow diagram shall identify the monitoring and the processes and controls that minimize particulate matter and odorous substances emissions, including, but not limited to baghouses, baghouse leak detectors, afterburners, carbon abatement, FID monitors, temperature and pressure monitors. All abatement and control devices shall be identified either using District Source Numbers according to their District Permit or as exempt from District permit requirements.

1.2 A facility layout/floor plan that clearly and accurately indicates the relative locations of all items identified in Section 12-13-403.1.1, including all equipment and permitted and exempt sources at a facility, all building walls, partitions, doors, windows, vents, and openings, and indicate all areas that have particulate or odor abatement, all metal melting and metal processing equipment, and any other source(s) that may contribute to particulate matter and/or odorous substances emissions. All metal melting and metal processing equipment shall be identified either using District Source Numbers according to their District Permit or as exempt from District permit requirements.

1.3 The name of the Responsible Manager and alternate responsible manager(s), if any, their schedules, and contact information.

403.2 Fugitive Emissions Reductions Previously Realized: A description of the equipment, processes and procedures installed or implemented within the last five years to reduce fugitive emissions.

403.3 Schedule for the Implementation of the EMP Elements: A list of each of the following:

3.1 The specific elements of the EMP that are in place as of the initial date of the submission of the EMP to the APCO for approval; and

3.2 The specific elements of the EMP that will be implemented following APCO approval of the EMP and the implementation schedule for each of those specific elements.

12-13-404 Compliance Schedule for the EMP: The owner or operator of a foundry or forge required to develop an EMP shall submit a complete and accurate EMP in accordance with the following schedule:

404.1 Submission: Submit the EMP to the APCO no later than May 1, 2014, or no later than 12 months following becoming subject to the requirements set forth in Section 12-13-401. The Responsible Manager shall certify the EMP as complete and accurate and sign it. The APCO may require the owner or operator to submit additional information to assure the completeness and accuracy of the EMP to ensure the minimization of fugitive emissions of particulate matter and odorous substances.

404.2 Completeness Determination: Within 30 days of receipt of the EMP, the APCO will notify the owner or operator in writing whether the EMP is complete. The EMP is complete if the APCO determines that it includes all of the information required by Sections 12-13-402 and 403. If the APCO determines that the proposed EMP is not complete, the notification will specify the basis for this determination and the required corrective action.

404.3 Corrective Action: Upon receipt of such notification, the owner or operator shall correct the deficiencies and resubmit the proposed EMP within 30 days. If the APCO determines that the owner or operator failed to correct any completeness deficiency identified in the notification, the APCO will reject the EMP as incomplete.

12-13-405 Review and Approval of the EMP: The procedures for determining whether each EMP meets the applicable requirements of this regulation are as follows:

405.1 Receipt and File Creation: Upon receipt of an EMP from a facility subject to the requirements of Sections 12-13-402 and 403, the APCO shall create a

- file that shall include the EMP as received, the results of the completeness determination, any comments received during the public comment period, and any recommendations made by the APCO.
- 405.2 Public Comment:** The APCO shall make the complete EMP (with exception of facility-designated confidential information) available for public comment for 30 days. The APCO will collect and forward all public comments to the facility for consideration at the end of the 30-day comment period. At the APCO's discretion, the District may extend the comment period up to 90 days and/or may hold a public meeting to discuss the draft EMP during the comment period.
- 405.3 APCO Recommendations:** Within 30 days of the close of the public comment period, the APCO shall review the draft EMP and the public comments and notify the owner or operator of the APCO's recommendations, if any, for additional processes and procedures to further reduce or prevent fugitive emissions from the foundry or forge, based on technical and economic feasibility, and made in consideration of worker health and safety.
- 405.4 Revision and Final Submission:** Within 30 days of receipt of the APCO recommendations, the owner or operator shall:
- 4.1** Accept all of the APCO's recommendations and submit the EMP with the incorporated recommendations to the APCO and certified by the Responsible Manager; or
 - 4.2** Specify the APCO recommendations that are accepted, and submit the EMP with the incorporated APCO recommendations to the APCO and provide a basis for the rejection of any of the APCO's recommendations. The Responsible Manager shall certify the EMP.
- 405.5 Approval:** Within 30 days of the receipt of the final submission of the EMP, the APCO will review the EMP.
- 5.1** If the APCO determines that the EMP does not meet the requirements of Sections 12-13-402, 403, 405.3 and 405.4, the APCO will notify the owner or operator in writing. The notification will specify the basis for this determination. Upon receipt of such notification, the owner or operator shall correct the identified deficiencies and resubmit the EMP to the APCO within 30 days. If the APCO determines that the owner or operator failed to correct any deficiency identified in the notification, the APCO will disapprove the EMP.
 - 5.2** If the APCO determines that the EMP meets the requirements of Sections 12-13-402, 403, 405.3 and 405.4, the APCO will approve the EMP and shall provide written notification to the owner or operator. This period may be extended if necessary to comply with state law.
- 12-13-406 Designation of Confidential Information:** With each submission of an EMP or any portions thereof or revisions thereto, the owner or operator of a foundry or forge subject to Section 12-13-401 shall designate as confidential any information claimed to be exempt from public disclosure as trade secrets or by other provisions of law. If a document is submitted that contains information designated confidential in accordance with this Section, the owner or operator shall provide a justification for this designation and shall submit a separate copy of the document marked as "public copy," with the information claimed to be confidential redacted.
- 12-13-407 Reporting Requirements for Planned Fugitive Emissions Reductions and Prevention Measures:** The owner or operator of a foundry or forge subject to Section 12-13-401 shall report to the APCO no later than May 1, 2015, a description of the equipment and all feasible processes and procedures to be installed or implemented within the next five years to reduce or prevent fugitive emissions, with a schedule of implementation.
- 12-13-408 Reporting Requirements for Operation and Maintenance Plan Requirements Pursuant to the NESHAPs and District Regulation 11, Rule 15:**

- 408.1 Metal Melting, Tapping and Mold and Core Making Operations:** The owner or operator of the foundry subject to Section 12-13-301 shall report to the APCO within 90 days of the adoption of this Rule a list of the operations, processes, and equipment used to comply with the following provisions of any federal NESHAP to which it is subject:
- 1.1 40 CFR Part 63, Subpart RRR: NESHAP for Secondary Aluminum Production, Section 63.1506(c)(1) through (c)(3) Capture/collection systems design, installation, and operation;
 - 1.2 40 CFR Part 63, Subpart EEEEE: NESHAP for Major Source Iron and Steel Foundries, Section 63.7690(b)(1);
 - 1.3 40 CFR Part 63, Subpart YYYYY: NESHAP for Area Sources: Electric Arc Furnace Steelmaking Facilities, Section 63.10686;
 - 1.4 40 CFR Part 63, Subpart ZZZZ: NESHAP for Iron and Steel Foundries Area Sources, Section 63.10895(b);
 - 1.5 District Regulation 11: Hazardous Air Pollutants, Rule 15: Airborne Toxic Control Measure for Emissions of Metals from Non-Ferrous Metal Melting, Section 11-15 (b)(1) and (b)(3).

- 408.2 Operation and Maintenance Plan Requirements:** The owner or operator of the foundry subject to Section 12-13-301 shall submit to the APCO a copy of the written Operation and Maintenance Plan or the Operation, Maintenance, and Monitoring Plan that was required by the US EPA Administrator pursuant to the following provisions set forth in any federal NESHAP to which it is subject within 90 days of the adoption of this Rule:
- 2.1 40 CFR Part 63, Subpart RRR: NESHAP for Secondary Aluminum Production, Section 63.1510(b);
 - 2.2 40 CFR Part 63, Subpart EEEEE: NESHAP for Major Source Iron and Steel Foundries, Section 63.7710(b);
 - 2.3 40 CFR Part 63, Subpart YYYYY: NESHAP for Area Sources: Electric Arc Furnace Steelmaking Facilities, Section 63.10685(a) and (b);
 - 2.4 40 CFR Part 63, Subpart ZZZZ: NESHAP for Iron and Steel Foundries Area Sources, Section 63.10896;
 - 2.5 40 CFR Part 63, Subpart ZZZZZ: NESHAP: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries, Section 63.11550(a)(3).

12-13-409 Review of Alternative Binder Formulations: The owner or operator of any foundry subject to the requirements of this Rule that uses mold and core binders formulated with an odorous substance, including phenol and cresol, shall:

- 409.1** Investigate the availability and efficacy of alternative binders that produce fewer odorous substances emissions to ambient air than binders currently in use at the facility; and
- 409.2** Report the results of the investigation required pursuant to Section 12-13-409.1 to the APCO no later than May 1, 2015, and once before each two-year anniversary of the receipt of the initial reporting.

12-13-410 Five-Year Review of Emissions Minimization Plan: The owner or operator of a foundry or forge subject to the requirements of Section 12-13-401 shall update the APCO-approved EMP and submit the updated EMP to the APCO for review within 90 days of the five-year anniversary date of the approval of the original EMP and within 90 days of every five-year anniversary thereafter. Review and approval of the EMP will follow the schedule in Sections 12-13-402 and 403. The updated EMP must be certified by a Responsible Manager.

12-13-411 Review and Modification of Emissions Minimization Plan: Within 90 days of any of the following events:

- 411.1** The APCO determined that the owner or operator violated Section 12-13-301; or
- 411.2** The APCO determined that the owner or operator violated District, State or federal air quality regulations pertaining to emissions of particulate matter or odorous substances; or

411.3 The owner or operator commenced a facility operation, process, equipment, or throughput change that required a modification of the Permit to Operate for that operation, process, equipment or throughput change; the APCO may notify the owner or operator of a foundry or forge where the triggering event occurred, and that is subject to the requirements of Section 12-13-401, to review and submit a complete and accurate revised EMP to the APCO that updates the EMP to include the modified operation or source or to prevent a future violation of the EMP or applicable law or regulation specified herein, in accordance with the schedule set forth in Section 12-13-404.

12-13-500 RECORDS AND MONITORING

12-13-501 Recordkeeping Requirements: The owner or operator of any foundry or forge subject to the requirements of this Rule shall maintain all records that are necessary to determine compliance with the requirements of Section 12-13-301 for a minimum of five years and make them available to the APCO or a designee of the APCO upon request including, but not limited to:

501.1 The monthly throughput of ferrous and non-ferrous metal processed, including metal melted, heated, scrapped, or recycled and the basis for each throughput determination;

501.2 The monthly throughput of each type of binder used;

501.3 The monthly throughput of sand used and the amount in pounds of sand used;

501.4 Documentation to demonstrate eligibility for exemption under Section 12-13-103.1. Documentation may include, but is not limited to:

4.1 Certification from the supplier demonstrating the chemical composition of the aluminum or other metal or alloy;

4.2 Demonstration of the chemical composition of the aluminum or other metal or alloy; as determined in accordance to Section 12-13-601;

4.3 A method approved by the APCO.

12-13-600 MANUAL OF PROCEDURES

12-13-601 Methods for Determining Arsenic and Cadmium in Metals or Alloys: The eligibility for exemption under Section 12-13-103 shall be determined by the test methods listed in Regulation 11: Hazardous Pollutants, Rule 15: Airborne Toxic Control Measure for Emissions of Toxic Metals from Non-Ferrous Metal Melting, Section 11-15 (f)(4) through (7) or any other method approved by the APCO, the California Air Resources Board, the US EPA, or the American Society for Testing and Materials.