

**SAN DIEGO COUNTY
AIR POLLUTION CONTROL DISTRICT**

NOTICE OF PUBLIC HEARING

NOTICE, pursuant to the State of California Health and Safety Code Sections 40725 and 42311, is hereby given of a public hearing on Thursday, April 10, 2025, at 2:00 p.m. before the San Diego County Air Pollution Control District Governing Board (Governing Board) in the County Administration Room 302, 1600 Pacific Highway, San Diego, CA 92101, for the purpose of receiving public comments and considering the adoption of proposed new Rule 67.26 (Commercial Charbroiling Operations), and corresponding proposed amendments to Rule 11 (Exemptions from Rule 10 Permit Requirements), Rule 12 (Registration of Specified Equipment), and Rule 40 (Permit and Other Fees), of the San Diego County Air Pollution Control District (District). Additionally, the Governing Board is asked to approve the prepared California Environmental Quality Act (CEQA) documents for these proposed actions. Those wishing to participate in the public hearing and/or provide comments on proposed new Rule 67.26, or corresponding amendments to Rules 11, 12, and 40, should visit the Governing Board's website at <https://bit.ly/3F8NXsQ> and click on "Meeting Information" for the meeting time, location, and instructions on how to participate, and/or click on "Accessing Agendas" to view the meeting agenda and supporting documentation.

San Diego County has been classified as a nonattainment area for State and federal ozone standards set by the California Air Resources Board (CARB) and the U.S. Environmental Protection Agency (EPA). Moreover, EPA recently reduced the federal standard for particulate matter (PM), resulting in a greater need to control sources of PM_{2.5} emissions to maintain compliance with the possible new standard. Commercial charbroiling operations are a significant source of PM and also emit volatile organic compounds (VOC). To help attain and maintain compliance with State and federal standards and improve air quality, the District scheduled adoption of proposed new Rule 67.26 in the 2022 Regional Air Quality Strategy (RAQS) to control PM_{2.5} and VOC emissions from commercial cooking operations. Additionally, the 2021 Community Emissions Reduction Plan (CERP) for the Portside Environmental Justice Neighborhoods (Portside) included Action C3, to evaluate, and if feasible, propose a new rule to control emissions from commercial cooking operation in the Portside community. Consequently, the District is proposing new Rule 67.26 to regulate emissions from chain-driven charbroilers operated at commercial cooking facilities within San Diego County. Under-fired charbroilers are not affected by proposed new Rule 67.26.

A chain-driven charbroiler (commonly used at fast-food restaurants) is a semi-enclosed cooking device that uses conveyor belts to carry food through flames and a heated area to quickly cook the top and bottom of the food simultaneously. During the cooking process, emissions are generated which contain harmful pollutants such as PM and VOCs that can affect public health. Proposed new Rule 67.26, if adopted, would apply to owners/operators of a chain-driven charbroiler at commercial facilities within San Diego County. It would require owners/operators who cook at least 415 pounds per week of meat on each chain-driven charbroiler to install and operate the equipment with a flameless catalytic oxidizer (or alternative control device) that can control at least 83% of PM emissions and 86% of VOC emissions from each subject chain-driven charbroiler. Proposed new Rule 67.26 would also require owners/operators of all chain-driven charbroilers, regardless of the amount of meat cooked, to conduct proper operation and maintenance of each chain-driven charbroiler, and to keep records of all charbroiling cooking operations. On December 4, 2024, the District conducted a public workshop to discuss and receive comments regarding proposed new Rule 67.26 and corresponding proposed amendments to Rule 11, 12, and 40. Workshop and post-workshop documents, such as the Response to Comments Report (which includes the District's responses to comments received) and the post-workshop draft of each rule, are available on the District's Rule Development webpage at <https://bit.ly/3lkUCYJ>.

To facilitate the adoption of proposed new Rule 67.26, corresponding amendments to Rules 11, 12 and 40 are also proposed. Such amendments are necessary to (1) remove existing permit exemptions applicable to chain-driven charbroilers, (2) allow owners/operators of chain-driven charbroilers with certified controls to apply for a less costly Registration instead of a Permit to Operate, and (3) enact applicable Registration and permitting fees. Specifically, proposed amendments to Rule 40 include a new fee schedule ("Schedule 16") that would apply to owners/operators of chain-driven charbroilers that are subject to the emission control requirements found in proposed new Rule 67.26. The Governing Board may consider modifications to the proposed new rule and corresponding amendments, which may be deemed appropriate.

If adopted by the Governing Board, proposed new Rule 67.26 and corresponding amendments to Rules 11, 12, and 40, would be effective July 1, 2025, and will be submitted through CARB for approval, and for subsequent submittal of new Rule 67.26 and amended Rule 11, to the EPA for inclusion as part of the San Diego County portion of the State Implementation Plan.

Written comments may be provided to District staff no later than April 9, 2025. Comments should be addressed to Nick Cormier, Supervising Air Resources Specialist, San Diego County Air Pollution Control District, 10124 Old Grove Road, San Diego, CA 92131, or APCDRules@sdapcd.org. The District also prepared documents pursuant to the California Environmental Quality Act (CEQA) which will also be acted on by the Governing Board at this Hearing; these CEQA documents are available for review and comment on March 11, 2025 through April 10, 2025. Copies of additional supporting documentation will be made available and posted on the District's website no later than 10 days prior to the scheduled public hearing and may be examined or obtained at the District's headquarters, 10124 Old Grove Road, San Diego, CA 92131, or by visiting the District's Rule Development website at <https://bit.ly/3lkUCYJ>. Specific questions or information with respect to this matter may be obtained by contacting Nick Cormier at (858) 586-2798 or Nick.Cormier@sdapcd.org.

MARVICE MAZYCK
Clerk of the Governing Board of the
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