FINAL STAFF REPORT

PROPOSED NEW RULE 67.26 – COMMERCIAL CHARBROILING OPERATIONS & CORRESPONDING AMENDMENTS TO RULES 11, 12, AND 40

San Diego County Air Pollution Control District
Rule Development Section

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EXECUTIVE SUMMARY

The U.S. Environmental Protection Agency (EPA) has established National Ambient Air Quality Standards (NAAQS) for six criteria pollutants, including ozone and particulate matter (PM), which are known to be harmful to human health and welfare. San Diego County does not meet State and federal ozone standards and may soon be designated as a nonattainment area for the new (more stringent) federal PM2.5 standard. Additionally, the 2021 Community Emissions Reduction Plan (CERP) for the Portside Environmental Justice Neighborhoods (Portside) included Action C3, to evaluate existing rules and consider new rules to help improve air quality and public health in the Portside community. More specifically, Action C3 required the San Diego County Air Pollution Control District (District) to evaluate and, if feasible, propose a new rule to control emissions from commercial cooking operations. Furthermore, the region's planning strategy to attain State ozone standards (2022 Regional Air Quality Strategy or RAQS) which was adopted by the Governing Board in March 2023, included Control Measure S-6, to further evaluate and consider for adoption measures to control emissions from Restaurant Cooking Operations.

To help the region attain compliance with State and federal standards and to satisfy commitments within the 2021 Portside CERP and the 2022 RAQS, the District is proposing 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). Proposed new Rule 67.26 would reduce PM2.5 and volatile organic compound (VOC) emissions from chain-driven charbroilers operated at commercial cooking facilities within San Diego County.

A chain-driven charbroiler (commonly used at fast-food restaurants) is a semi-enclosed cooking device that uses conveyor belts to carry the 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 negatively affect public health. PM contains small particulates that can easily bypass the natural filters in the nose and throat, reach deep into the lungs and cause respiratory problems. VOCs are organic compounds that chemically react with other existing compounds in the atmosphere and form ground-level ozone (commonly known as smog).

Proposed new Rule 67.26, if adopted, would apply to owners/operators of a chain-driven charbroiler at commercial facilities within San Diego County. Proposed new Rule 67.26 would require owners/operators who cook at least 415 pounds (lbs.) per week of meat on each chain-driven charbroiler to install and operate the equipment with a certified 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. 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 for chain-driven charbroilers, (2) allow owners/operators of chain-driven charbroilers to apply for a less costly Registration instead of a Permit to Operate if operating with a flameless catalytic oxidizer certified by the South Coast Air Quality Management District (SCAQMD), and (3) enact applicable Registration and permitting

fees to facilitate recovery of District costs for equipment registration/permitting and annual compliance inspections.

Commercial chain-driven charbroilers that comply with the emission standards proposed in new Rule 67.26 have been demonstrated as feasible and effective and are ubiquitous in other air districts in California, specifically South Coast Air Quality Management District (SCAQMD), San Joaquin Valley Air Pollution Control District (SJVAPCD), Bay Area Air Quality Management District (BAAQMD), and Ventura County Air Pollution Control District (VCAPCD). Some of these air districts have had similar emission control requirements in their respective air basin for decades. Consequently, the District does not expect any concerns with the availability of equipment able to comply with the proposed new rule.

During the rule development process, the District partnered with the Food, Water, and Housing Division (FHD) of the San Diego County Department of Environmental Health and Quality (DEHQ) to identify potential subject commercial cooking facilities within the County. Through this collaboration, the District identified approximately 200 cooking facilities that could operate at least one chain-driven charbroiler at their facility.

The following statements summarize important elements of the proposed rulemaking:

Comparative Analysis

No other District rule specifically regulates emissions from chain-driven charbroilers in San Diego County. Proposed new Rule 67.26 requirements have similar emission standards as SCAQMD, SJVAPCD, BAAQMD, and VCAPCD.

Socioeconomic Impact Assessment

The proposed rule amendments are not expected to have any significant impacts that would decrease employment or have any adverse effects to the local economy.

California Environmental Quality Act (CEQA)

The District prepared an Initial Study pursuant to the California Environmental Quality Act (CEQA) to determine whether there is any evidence that adopting proposed new Rule 67.26 and corresponding proposed amendments to Rules 11, 12, and 40, may have a significant environmental impact. The Initial Study revealed no substantial evidence that such actions may have a significant effect on the environment, and based on initial findings, a proposed Negative Declaration was prepared (Attachment H). The District published the Notice of Intent to adopt the Negative Declaration and is soliciting comments during a 30-day review period (March 11, 2025 through April 10, 2025) along with the proposed new rule and corresponding amendments. To date, no public comments on the CEQA documents have been received.

Environmental Justice

Proposed new Rule 67.26 and corresponding proposed amendments to Rules 11, 12, and 40 will result in PM2.5 and VOC emission reductions that will improve the health of residents living in vulnerable neighborhoods like the Portside and International Border communities, as well as the entirety of San Diego County. Adoption of proposed new Rule 67.26 will also satisfy a commitment found in the 2021 Portside CERP (Action C3).

I. INTRODUCTION

Charbroilers produce air pollutants such as particulate matter (PM) and volatile organic compounds (VOCs); the latter of which is precursor to ozone formation. The San Diego County Air Pollution Control District (District) is currently in nonattainment for the State and federal ozone (8-hour) standard, the State ozone (1-hour), State PM10 and PM2.5 standards, and potentially the strengthened 2024 federal annual PM2.5 standard. The main purpose of proposed new Rule 67.26 (Commercial Cooking Operations) is to limit particulate matter and VOC emissions from commercial chain-driven charbroilers. The proposed measure was identified and scheduled for adoption in the 2022 Regional Air Quality Strategy (RAQS) (Measure S-6) and was also included in the 2021 Portside Community Emission Reduction Plan (CERP) under Action C3.

II. BACKGROUND

A chain-driven charbroiler is a semi-enclosed cooking device that uses conveyor belts to carry the food through the flame and heated area, and are commonly used at fast-food restaurants. Flames and heat quickly cook the top and bottom of the food simultaneously. The smoke and vapors generated by cooking the food in a charbroiler contain water, PM, and VOCs. PM emissions from a chain-driven charbroiler are typically captured by the grease filter of the ventilation hood above the charbroiler. However, VOCs and smaller PM (PM10 and PM2.5) that are not collected by the grease filter are released into the atmosphere unless a secondary emission control device is installed, which is not typically present unless required by rule or regulation. Chain-driven charbroilers most commonly combust natural gas. These charbroilers may also be electric; however, while an electric chain-driven charbroiler may reduce emissions from the consumption of fossil fuel (i.e., natural gas, propane, etc.), it does not reduce PM and VOC emissions created through the cooking process.

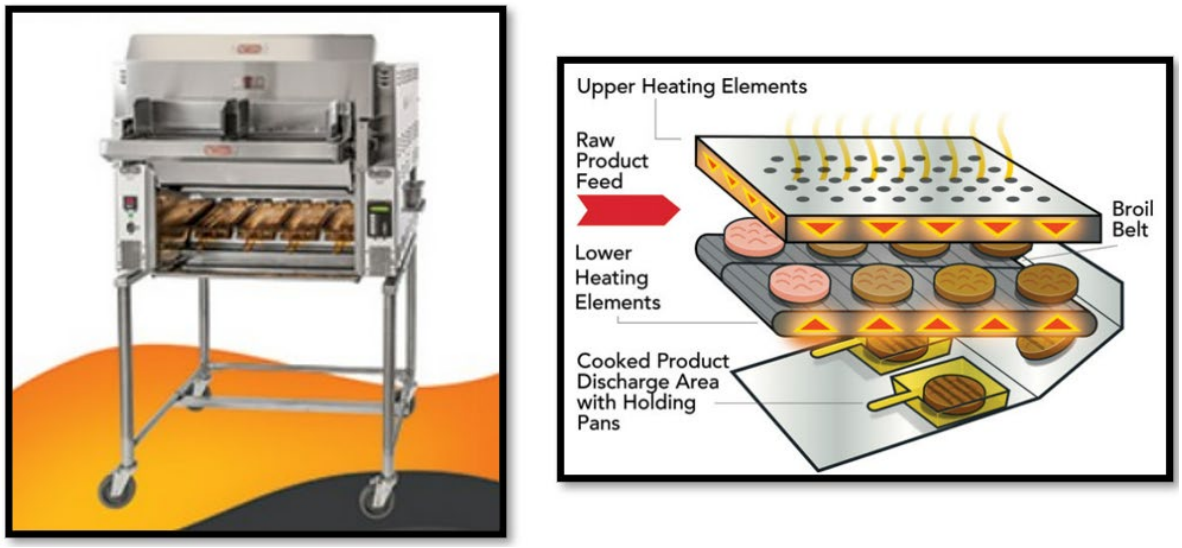

Figure 1: Chain-driven Charbroiler

While chain-driven charbroilers typically produce lower PM and VOC emissions than under-fired charbroilers, controlling emissions from under-fired charbroilers is significantly more difficult and costly, and thus are not proposed to be subject to proposed new Rule 67.26. Under-fired charbroilers differ from chain-driven charbroilers in that the heat source and radiant surface is position at or below the level of the grated grill. Emission controls for under-fired charbroilers are not yet feasible to install. However, as part of ongoing statewide efforts and extensive research to evaluate and implement emission control strategies for under-fired charbroilers, the Charbroiler Collaborative Workgroup was created by San Joaquin Valley Air Pollution Control District (SJVAPCD). The District has joined this working group which consists of representatives from SJVAPCD, Bay Area Air Quality Management District (BAAQMD), South Coast Air Quality Management District (SCAQMD), and the California Air Resources Board (CARB). The first meeting the District attended was held on May 1, 2024, and the goal is to meet at least once each month to discuss emission control technology and programs, provide outreach to restaurants to participate in technology demonstration projects, collaborate and engage with stakeholders, and develop an emissions inventory for under-fired charbroilers. The District will continue to participate in this working group and will assess possible future rule development action should emission control technologies for under-fired charbroilers become more widely available.

III. CONTROL TECHNOLOGIES

Currently available types of technologies capable of controlling PM and/or VOC emissions from commercial chain-driven charbroilers include catalytic oxidizers, electrostatic precipitators (ESPs), different types of filters, wet scrubbers, and activated carbon absorbers. At this time, there are no zero-emission technologies available for chain-driven charbroilers that could provide a similar "char" taste that is obtained from natural gas-fired charbroilers. Although an electric chain-drive charbroiler may reduce emissions from the consumption of fossil fuel (i.e., natural gas, propane, etc.), such units would not reduce any PM or VOC emissions associated with the process of meat cooking, which emanates from the meat/fat drippings coming into contact with a heating element.

- Catalytic oxidizer (flameless): burns or oxidizes smoke and gases from the cooking process to create carbon dioxide and water, using an infrastructure coated with a noble metal alloy at an elevated temperature. Attaches to a chain-driven charbroiler. Easier to install and requires low maintenance in comparison to other emission controls. Compatible with gas and electric chain-driven charbroilers.

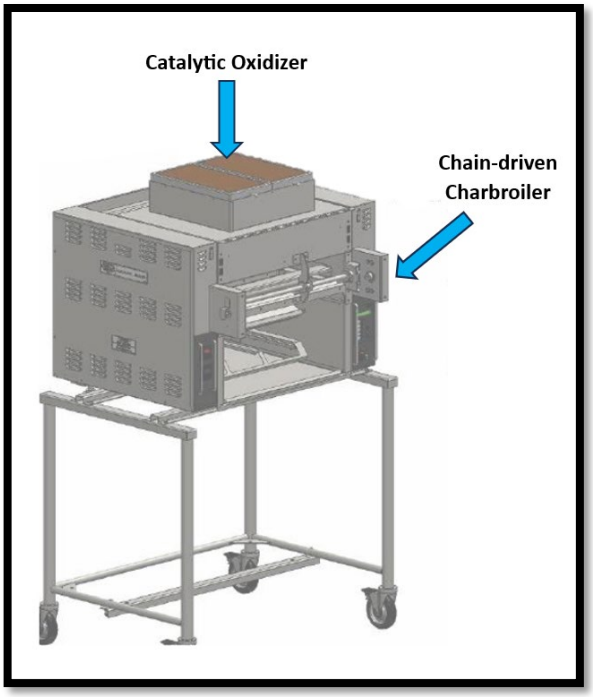

Figure 2: Catalytic Oxidizer (flameless)

- Electrostatic Precipitators (ESPs): captures and removes PM emissions using prefilters followed by an advanced electrostatic charging and collecting mechanism that ionizes pollution particles. May have self-washing feature for daily maintenance (monthly maintenance required by service company).

- Filtration systems: removes particulate matter and/or VOCs using banks of filters (pre-filters, metal mesh screens, ceramic filters, HEPA, or charcoal filters). Typically requires large footprint (space and weight) for installation. High maintenance costs for high volume restaurants and/or restaurants using wood-fired operations due to filter replacements.

- Wet Scrubbers: removes hazardous gases, VOCs, and particulate matter using prefilters followed by a water wash tank. Increases plumbing/water costs. Requires frequent maintenance that includes changing wash solution and prefilters.

- Ultra-violet (UV) Light Technology: UV light technology is used to reduce PM and VOC emissions. The UV light system is typically used with a water-wash system. The UV light converts the grease to a powder form, which is then washed off the bulbs by the water-wash system. A grease particulate separator (GPS) is placed before the UV lamp-stage in the hood to make the grease particles the optimum size for UV destruction. This technology is commonly found at large commercial facilities such as airports and shopping centers to remove the larger grease particles.

Other known available control technologies are listed below in Table 1, sorted by highest to lowest possible percent of emission reduction.

Table 1: Available Control Technology (sorted by highest to lowest emission reductions **%**)

Control Equipment	Pollutant	% Reduction	Comments	Overall Costs
Ceramic Filters	PM & VOCs	≥ 90%	High maintenance costs	Medium-high
Incinerator Thermal	PM & VOCs	≥ 90%	High fuel costs	Highest
ESPs	PM	≥ 90%	Daily maintenance required. Potential fire hazard when not properly maintained	Medium-high
UV Lights	PM & VOCs	≥ 90%	High installation costs	Medium-high
Wet Scrubbers	PM	~85%	High plumbing/water costs and high maintenance costs	Low
Catalytic Oxidizer (flameless)	PM & VOCs	≥ 83%	Feasible and cost-effective	Lowest
HEPA Filters	PM	~52%	Large footprint and high maintenance costs	Medium-high
Fiber-bed Filter	PM	Not confirmed	High maintenance costs	Medium-high
Activated Carbon Adsorber	VOCs	Not confirmed	Offsite regeneration	Medium

IV. SUMMARY OF RULE REQUIREMENTS

The proposed rule requirements for new Rule 67.26, are summarized below:

Section (a) – Applicability
Any person who installs, owns, or operates any charbroiler at a commercial cooking operations facility in San Diego County.

Section (b) – Exemptions
- Under-fired charbroilers & flat-top grills/griddles.
- Chain-driven charbroilers in microenterprise home kitchens.
- Limited use chain-driven charbroilers.

- <415 lbs. of meat per calendar week (not to exceed 21,580 lbs. during calendar year), or
- <875 lbs. of meat every calendar week during one consecutive 12-week period in most recent calendar year *(i.e., seasonal use)*

- Low-emitting chain-driven charbroilers that emits <0.50 lbs./day (or 3.5 pounds per week) of PM and 0.15 lbs./day (1.1 pounds per week) of VOC.

Section (c) – Definitions

"Chain-driven Charbroiler" also known as a conveyorized charbroiler, means a semi-enclosed cooking device with a mechanical chain, which automatically moves food through the heat sources positioned above and below the grated grill.[1]

"Commercial Cooking Operations" means any stationary facility that cooks food for human consumption and that engages in the retail sale, or offer for sale, of the cooked food. This includes, but is not limited to, restaurants, dinner houses, cafeterias, catering operations, mobile food facilities, commissary facilities, retail markets, satellite food service operations, and hotel or motel food service operations.

"Meat" means beef, lamb, pork, poultry, fish, game, plant-based meat substitutes, and seafood, uncooked.

"Under-fired Charbroiler" means a charbroiler, other than a chain-driven charbroiler, where the heat source and radiant surface, if any, are positioned at or below the level of the grated grill.

Section (d) – Requirements

Unless a facility is utilizing an exemption as proposed in Section (b), proposed new Rule 67.26 would require the installation of a certified catalytic oxidizer or alternative control device, to control at least 83% of PM emissions and at least 86% of VOC emissions from chain driven charbroilers subject to the rule.

Section (e) – Emission Control Device Maintenance

All emission control devices shall be installed, calibrated, operated, and maintained in good working order in accordance with the manufacturer's specifications in the maintenance manual and/or other written materials supplied by the manufacturer or distributors of the emission control device or combination of chain-driven charbroiler and emission control device.

[1] The definition of a "chain-driven charbroiler" within the proposed amendments to Rules 11 and 12 contain an extra word ("device"). The District believes that the inclusion of this additional word does not significantly alter or affect the District's use or understanding of the definition contained within proposed new Rule 67.26. The District will correct this discrepancy in future rule amendments to each rule to remove the word "device." Additionally, the District will make future revisions to reflect correct reference to items that are plural instead of singular (i.e., "are" instead of "is") within the definition of a "charbroiler" in each respective rule.

Section (f) – Registration Requirements For Chain-Driven Charbroilers With Certified Catalytic Oxidizers[2]

Should a facility elect to install a catalytic oxidizer certified by SCAQMD, the District will require that each charbroiler/oxidizer combination apply for a registration pursuant to District Rule 12.[3] This is designed to be a more streamlined, less expensive process.

Section (g) – Permit to Operate Requirements For Chain-Driven Charbroilers With Non-Certified Catalytic Oxidizers Or Alternative Emission Controls

For non-certified or alternative emission control systems installed (which is less common), owner/operators must apply to receive an Authority to Construct or Permit to Operate for each chain-driven charbroiler pursuant to Rule 10 (Permits Required).

Section (h) – Recordkeeping Requirements

Weekly and annual records are required to be maintained for the quantity and type of meat cooked for each chain-driven charbroiler, regardless of whether they are subject to emission control requirements. Records and other documentation will be required to be available for five calendar years and upon request by the District.

Section (i) – Test Methods

Owners/operators of non-certified catalytic oxidizers, alternative emission control devices, or low-emitting devices, would follow test methods described in proposed new Rule 67.26 to confirm control efficiency for PM and VOCs.

Section (j) – Compliance Schedule [4, 5]

If adopted by the Governing Board, proposed new Rule 67.26 would become effective on July 1, 2025. All new chain-driven charbroilers after this date would need an approved registration or permit to operate prior to operation. Existing chain-driven charbroilers would need to either apply for a Registration or Permit to Operate for approval by the District by June of 2026, and emission controls would need to be installed by December 2026. All chain-driven charbroilers would

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[2] Section (f)(3) of proposed new Rule 67.26 states that, "Registration applications shall be submitted *and issued* by the District prior to purchase and operation of any new chain-driven charbroiler." To clarify any confusion, a Registration application shall be submitted to the District, and a Registration shall be issued by the District prior to purchase and operation of any new chain-driven charbroiler.

[3] A facility may also elect to apply for a Permit to Operate in lieu of a Registration. Additionally, if facility was close to, but not yet, meeting the 415 lbs./week threshold to be required to install emission controls, the District will allow facilities to voluntarily register their equipment and install emission controls, if they believe the 415 lbs./week threshold may be met in the future.

[4] To clarify Section (j)(1), proposed new Rule 67.26 states that, "an owner or operator of any new chain-driven charbroiler subject to emission control device requirements of this rule shall submit to the District an Authority to Construct/Permit to Operation application prior to purchase and operation." The District notes that that facilities must also *receive* the Authority to Construct/Permit to Operate from the District prior to purchase and operation.

[5] To clarify timelines associated with applying for a registration and/or permit to operate, the installation deadline for emission controls, and the date to submit applicable information for facilities utilizing the low-emitting charbroiler exemption, the District revised instances of "date of adoption" to "rule effective date" as applicable, to ensure facilities have a full 12 or 18 month timeframe to fulfill the applicable requirements and to align with the anticipated effective date of the new fees becoming effective on July 1, 2025. These changes were reflected in double-strikethrough/double-underline in the change copy of proposed new Rule 67.26 posted to the District's website in March 2025.

become subject to Rule 67.26 record-keeping requirements upon Rule 67.26's adoption in April 2025, if adopted by Governing Board.

V. STATUTORY REQUIREMENTS

Prior to adopting, amending, or repealing a rule or regulation, California Health and Safety Code Section 40727 requires findings of necessity, authority, clarity, consistency, non-duplication, and reference, as defined therein, as part of the consistency finding and to ensure proposed rule requirements do not conflict with or contradict other District and/or federal regulations.

For rules applicable to fees, such as District Rule 40, California Health and Safety Code, Section 42311 requires the District to send out a Public Notice through the mail at least 14 days in advance of a Governing Board meeting to adopt or revise fees for the evaluation, issuance, and renewal of permits, to all interested parties (e.g., permit holders, applicants, chambers of commerce in the region). On March 11, 2025, a Public Notice regarding the Governing Board hearing on April 10, 2025, was mailed to approximately 2,000 commercial cooking facilities, chambers of commerce in the region, and other stakeholders with known contact information. Additionally, the Public Notice was sent electronically to over 12,000 subscribers to the District's email notification service, CARB, EPA, the DEHQ email notification service, and posted to the District's website, providing an opportunity to submit written comments. To comply with State law, the District intends to make the Staff Report available to the public on the District's website at least 10 days prior to the Governing Board hearing on April 10, 2025.

Rule 40 requires amendments to incorporate a new fee schedule applicable to chain-driven charbroilers ("Schedule 16") to recover District costs for equipment registration/permitting and annual compliance inspections. If adopted as proposed, owners/operators of new chain-driven charbroilers with an FCO certified by SCAQMD will be required to obtain a Registration and would pay initial application fees which include but are not limited to, a non-refundable processing fee of $150, initial evaluation fee of $945, emission unit renewal fee of $537, the applicable air contaminant emissions fee, and if applicable, an additional engineering evaluation fee and/or source test fee.[6] Owners/operators of chain-driven charbroilers with non-certified emission controls, or owners of an existing chain-driven charbroiler with a certified FCO, would be required to pay all initial application fees identified above to obtain a Permit to Operate but would pay the actual time and materials costs incurred by the District to review and act upon an application for initial permit in lieu of the fixed $945 initial evaluation fee for a Registration. The District will make a supplemental application form applicable to chain-driven charbroilers, available to the public prior to the July 1, 2025, effective date of the rule. Owners/operators of registered and/or permitted chain-driven charbroilers would be required to pay annual operating fees which include, but are not limited to, a site identification processing and handling fee of $55, a permit processing fee of $41, an emission unit renewal fee of $537, the applicable air contaminant emissions fee, District and State Air Toxic Hot Spots Fee, and, if applicable, an annual source test fee.[7] If adopted, these fees would be effective July 1, 2025, and may be subject to future modification as part of

[6] Equipment with a unique design or that have difficulty meeting the requirements in an initial test (should one be required) may also require annual source testing at the District's discretion.
[7] See footnote above.

regular annual District fee adjustments applicable to Rule 40. California Health and Safety Code, Section 42311, also requires the District to make available to the public information indicating the amount of cost, or estimated cost, required to provide the service for which the fee is charged, and the revenue sources anticipated to provide the service, at least 10 days prior to the Governing Board hearing. In the case of proposed new Rule 67.26, the revenue source is the collection of fees proposed in amended Rule 40 as described above for chain-driven charbroilers subject to proposed new Rules 67.26 (if adopted by the Governing Board). The estimated proposed costs were derived by estimating the number of hours required to perform the initial application processing and evaluation services as well as the annual operating permit processing and compliance verification services and multiplying those by the Fiscal Year (FY) 2025-26 approved (November 14, 2004 (E.2)) fully burdened rates associated with the corresponding classification performing the service. These costs include the direct (hands on staff conducting inspections for compliance and reviewing applications), as well as indirect support associated with those activities (i.e., permit processing, rule development, human resources, finance, IT, etc.). Therefore, for each individual time and material fee, fixed fee and renewal fee, it is ensured that the total fee proposed does not exceed the full cost of providing the service. The District also ensures that it follows all State and federal guidelines in relation to conducting any compliance inspections or application reviews to ensure that the fee payor is only paying for their fair share of services received. Unnecessary application reviews and inspections are not imposed upon the facility. Any fines and violations for lack of compliance would be imposed separately outside of the fee process.

VI. COMPARATIVE ANALYSIS

Health and Safety Code Section 40727.2(a) requires the District to perform a written analysis identifying and comparing the air pollution control standards and other provisions of proposed new Rule 67.26 and corresponding proposed amendments to Rules 11, 12, and 40, with existing or proposed District rules and guidelines, as well as existing federal rules, requirements, and guidelines applying to the same source category. The District finds that an analysis comparing proposed new Rule 67.26 with applicable requirements of federal and local regulations ("Comparative Analysis") is required pursuant to Section 40727.2(a) and (b) of the California Health and Safety Code.

The complete Comparative Analysis evaluating proposed new Rule 67.26 with other comparable California air district rules is summarized in Attachment G1. To summarize, four California air districts have existing rules to control emissions from commercial charbroiling operations; SCAQMD Rule 1138 (adopted in 1997), SJVAPCD Rule 4692 (adopted in 2002 & amended in 2018), VCAPCD Rule 74.25 (adopted in 2004), and BAAQMD Regulation 6, Rule 2 (adopted in 2007). BAAQMD Regulation 6, Rule 2 (Commercial Cooking Equipment) is the only existing rule that currently requires emission controls for commercial under-fired charbroilers and is considered a "technology-forcing" rule. The District, as well as other air districts in California, have to date not opted not to pursue BAAQMD's approach to control emissions from under-fired charbroilers, as they are not yet technologically feasible nor cost-effective to require at this time.

The District finds a Comparative Analysis is not required for proposed amendments to Rules 11, 12, and 40, pursuant to California Health and Safety Code 40727.2(g), because these proposed rule amendments on their own are solely administrative in nature and do not impose a new emission limit or standard, make an existing emission limit or standard more stringent, or impose new or more stringent monitoring, reporting, or recordkeeping requirements. No other District rule regulates charbroiling operations in San Diego County. However, District Rule 11 (Exemptions from Rule 10 Permit Requirements) currently exempts food preparation equipment, including broilers. The District is proposing to amend Rule 11 to clarify that charbroilers would no longer be exempt from rule requirements in San Diego County if proposed new Rule 67.26 is adopted. Additionally, amendments to District Rule 12 (Registration of Specified Equipment) are also necessary to reflect new proposed registration requirements for chain-driven charbroilers at commercial cooking operation facilities requiring emission control devices. Proposed amendments to Rules 11 and 12 ensure consistency with proposed new Rule 67.26.

VII. EMISSION SOURCES AND IMPACTS

Baseline Emissions:

Using data collected from recent industry outreach efforts and comparing it with existing chain-driven charbroiler rule requirements at other air districts in California, baseline commercial charbroiler emissions were calculated for an estimated 197 facilities likely to be subject to proposed new Rule 67.26 in San Diego County. These facilities primarily comprise of fast-food or fast-casual restaurants within the County that advertise charbroiled meat. Using data collected from a countywide electronic survey, recent site visits to potentially affected restaurants, and based on other air pollution control district charbroiler rule staff reports, the District assumed an overall average of 650 lbs. of hamburger meat per week being cooked at each major restaurant facility. Emission factors for uncontrolled emissions from charbroiling operations in Table 2 were obtained from the 2002 National Emissions Inventory (U.S. EPA 2002b), which SJVAPCD uses to calculate emissions from charbroilers, and are also consistent with SCAQMD's emission factors.[8] Estimated baseline emissions using these emission factors are shown below, and total estimated baseline emissions for PM and VOC from chain-driven charbroilers are shown in Table 2.

Assumptions:

Number of potential subject facilities:	197
Chain-driven charbroilers at each facility:	1
Operational chain-driven charbroilers countywide:	197
Weekly Operating Schedule (days/year):	7
Annual Operating Schedule (days/week):	365
Meat Cooked per charbroiler (lbs./week)	650
PM Control Efficiency	83%
VOC Control Efficiency	86%

[8] Emission factors used in the inventory comprise all directly emitted particulate matter (PM2.5 and PM10).

Table 2: Baseline Emissions in San Diego County (Uncontrolled)

	PM	VOC
Total Uncontrolled Emissions (tons/year)	**24.8**	**7.6**

Emission Reductions:

- From the baseline emissions presented above in Table 2, a total of 24.8 tons per year of PM and 7.6 tons per year of VOC emissions are estimated from 197 facilities that potentially operate a chain-driven charbroiler in San Diego County.
- Proposed new Rule 67.26 would require installation of emission control devices on new and existing chain-driven charbroilers to reduce PM and VOC emissions by 83% and 86%, respectively. Assuming all such devices are subject to emission control requirements in the rule and install emission controls, this results in an estimated annual emission reduction of 20.6 tons of PM (all considered to be PM2.5),[9] and 6.5 tons of VOC from these 197 restaurant facilities, as shown in Table 3 below.

Table 3: Emission Reductions in San Diego County (Controlled)

	PM[2]	VOC
Total Controlled Emissions (tons/year)	4.2	1.1
Total Emission Reductions (tons/year)	**20.6**	**6.5**

No emission sources or impacts (other than those applicable to the proposed adoption of proposed new Rule 67.26) are anticipated with the proposed amendments to Rules 11, 12, and 40.

VIII. ECONOMIC IMPACTS & COST-EFFECTIVENESS

Statutory Requirements

California Health and Safety Code Section 40703 requires that prior to adopting any regulation or rule, air pollution control districts shall consider, pursuant to Health and Safety Code Section 40922, and make available to the public its findings related to the cost-effectiveness of a control measure, as well as the basis for the findings and the considerations involved. Health and Safety Code Section 40920.6(a) also requires air pollution control districts to conduct an incremental cost-effectiveness analysis of available emission controls prior to adopting a Best Available Retrofit Control Technology (BARCT) rule. The cost-effectiveness analysis compares relative costs of available emission control options that achieves the same emission reduction objectives as proposed in a new rule. The analysis also helps identify and develop emission control requirements of a proposed new rule.

[9] For the objectives of proposed new rule R67.26, District staff is equating control of PM with control of PM2.5 emissions. This implies that if PM emissions are controlled, PM2.5 emissions are controlled by the same proportion as PM emissions.

Cost-Effectiveness (Flameless Catalytic Oxidizer)

Cost-effectiveness is calculated by dividing the annualized costs (amortized capital costs and operating costs) by the total number of tons of emission reductions expected each year:

Cost effectiveness ($/pound) = *Annualized Cost* ($/pound) ÷ *Annual Emission Reduction* (pound/year)

Proposed new Rule 67.26 would require owners/operators of chain-driven charbroilers to operate with a flameless catalytic oxidizer that can control at least 83% of PM emissions and 86% of VOC emissions from each subject chain-driven charbroiler. The cost-effectiveness to control emissions from chain-driven charbroilers using flameless catalytic oxidizers is estimated at $10.46 per pound of PM2.5 reduced and $34.88 per pound of VOC reduced, as shown in Table 4 below. The District finds that flameless catalytic oxidizers are feasible to operate and install, as this control technology has been in use in other air districts for chain-driven charbroilers in California for decades. Additionally, due to the region's urgent need to further reduce PM and ozone precursor emissions, such cost-effectiveness amounts are justified.

Table 4. Cost-Effectiveness per Flameless Catalytic Oxidizer

Total Annualized Cost ($/year)	$19,027
PM2.5 Reductions (tons/year)	0.10
Cost-Effectiveness of Control ($/ton of PM removed)	$19,027
PM-2.5 Cost-Effectiveness of Control ($/lb of PM Reduced)	**$10.46**
VOC Reductions (tons/year)	0.03
Cost-Effectiveness of Control ($/ton of VOC removed)	$63,424
VOC Cost-Effectiveness of Control ($/lb of VOCs removed)	**$34.88**

Cost-effectiveness for each flameless catalytic oxidizer was estimated based on the average meat quantity cooked (650 lbs./week). Both SCAQMD's Final Draft Staff Report, Rule 1138 (Control of Emissions from Restaurant Operations), October 10, 1997, and SJVAPCD's Final Draft Staff Report, Rule 4692 (Commercial Charbroiling), February 21, 2002, were utilized to incorporate such figures, and were updated to 2025 dollars using the U.S. Bureau of Labor Statistics CPI Inflation Calculator. Cost-effectiveness presented during the District's public workshop reflected 2024 dollars. Several other assumptions were also made to calculate cost-effectiveness such as reducing a minimum of 83% of PM and 86% of VOC uncontrolled emissions after installation of controls. Additionally, a five-year equipment life, and a 4% interest rate were assumed.

For clarity and as a commitment included in the District's Response to Comments Report, Table 5 summarizes the estimated costs to install and operate a catalytic oxidizer on an existing chain-driven charbroiler.

Table 5. Flameless Catalytic Oxidizer Retrofit Estimated Costs

Capital Cost: [10]	$10,045
Installation Cost (20% of capital cost):	$2,009
Contingency (10% of the total capital cost):[11]	$1,205
Total Capital Investment:	**$13,259**
Direct Annual Cost (10% of the total capital cost):	$1,326
Indirect Annual Overhead Cost (10% of the direct annual cost):	$133
Indirect Annual Administration/Permitting Cost (10% of total capital cost):	$1,326
CRF (assuming 4% interest for 5 years):	0.23
Annual Capital Cost (CRF x total capital cost):	$2,983
Total Annual Cost per Device:	**$5,768**

Cost-Effectiveness (alternative emission control)

District staff believe most owners and operators are likely to install a flameless catalytic oxidizer on existing chain-driven charbroilers, as it has been identified as a feasible, readily available control option. However, proposed new Rule 67.26 also allows flexibility for alternative emission control devices to be installed that can comply with the proposed control rule requirements, provided they meet minimum control efficiency for PM and VOC emissions (similar to that of a flameless catalytic oxidizer). Such emission control requirements would be required to be verified through testing of PM and VOC emissions on the applicable unit.

As shown in Table 6 on the following page, a possible alternative emission control device (thermal incinerator) can potentially reduce at least 90% of both PM and VOC emissions.[12] Using uncontrolled baseline emissions from Table 2 and applying a 97% control efficiency for both PM and VOC emissions, the District estimates the cost-effectiveness to control emissions from an existing chain-driven charbroiler using a thermal incinerator. For this alternative, cost-effectiveness was estimated as $186.80 per pound of PM reduced, and $560.40 per pound of VOC reduced. These figures confirm that while alternative emission controls can be utilized should facilities wish to install similar kinds of technology, the District's requirement proposed in new Rule 67.26 to install certified flameless catalytic oxidizer technology, presents a more cost-effective control option with minimal forgone emissions reduced.

[10] Includes cost for flameless catalytic oxidizer, delivery and shipping of equipment, potential planning plans (i.e., engineering, construction/installation), and compliance review.

[11] Additional fees could be incurred from other regulatory agencies, such as local building departments and/or County of San Diego, in the event the emission control installed requires a plan review and/or approval outside of the District.

[12] On average, a thermal incinerator has been shown to reduce up to 97% of both PM and VOC emissions.

Table 6. Alternative Emission Control Cost-Effectiveness

Total Annualized Cost Across per Device ($/year)	$407,564
PM Reductions (tons/year)	0.12
Cost-Effectiveness of Control ($/ton of PM removed)	$339,637
Cost-Effectiveness of Control ($/lb of PM Reduced)	**$186.80**
VOCs Reductions (tons/year)	0.04
Cost-Effectiveness of Control ($/ton of VOC removed)	$1,018,911
Cost-Effectiveness of Control ($/lb of VOCs removed)	**$560.40**

For clarity and as a commitment included in the District's Response to Comments Report, Table 7 summarizes the estimated costs to install and operate an alternative emission control for an existing chain-driven charbroiler. Similar to the calculations for flameless catalytic oxidizers, the District used an average meat quantity cooked of 650 lbs. per week, SCAQMD and SJVAPCD's average capital and annual costs, and the U.S. Bureau of Labor Statistics CPI Inflation Calculator, to calculate cost-effectiveness of a thermal incinerator on each chain-driven charbroiler.

Table 7. Alternative Emission Control Retrofit Estimated Costs (thermal incinerator)

Capital Cost:	$35,875
Installation Cost (35% of capital cost):	$7,175
Contingency (10% of the total capital cost)[13]:	$4,305
Total Capital Investment per Device	**$47,355**
Direct Annual Cost per Control Device (15% of the total capital cost):	$4,736
Natural gas cost ($2.27/therm):	$344,677
Indirect Annual Cost Overhead (5% of the direct annual cost per control device):	$237
Indirect Annual Administration Cost (10% of total capital cost):	$4,736
CRF (assuming 4% interest for 10 years):	0.12
Annual Capital Cost (CRF x Total Capital Cost):	$5,825
Total Annual Cost per Device:	**$360,209**

Incremental Cost-Effectiveness and Other Costs

Health and Safety Code Section 40920.6(a) requires the District to identify one or more potential control options that achieve at least the same benefit as the proposed new rule, assess the cost-effectiveness of those option(s), and calculate the incremental cost-effectiveness of each identified option. Incremental cost-effectiveness is defined as the difference in control costs divided by the difference in emission reductions between two potential control options achieving the same emission reduction goal of a regulation.

[13] Additional fees could be incurred from other regulatory agencies, such as local building departments and/or County of San Diego, in the event the emission control installed requires a plan review and/or approval outside of the District.

The District identified flameless catalytic oxidizers, as proposed in new Rule 67.26, as the most cost-effective control option in comparison to the installation and operation of a thermal incinerator system on a chain-driven charbroiler. Table 8 below summarizes the incremental cost-effectiveness.

Table 8. Alternative Emission Control Retrofit Costs (thermal incinerator)

Flameless Catalytic Oxidizer Annualized Cost (during first year only)	$19,027
Thermal Incineration Cost Effectiveness Annualized Cost (during first year only)	$407,564
Incremental Annualized Cost	$388,537
Incremental PM Reductions (lbs. per year)	40
Incremental VOC Reductions (lbs. per year)	20
Incremental Cost-Effectiveness ($ per lb. of PM reduced)	**$9,713**
Incremental Cost-Effectiveness ($ per lb. of VOC reduced)	**$19,427**

As shown in Table 8, each extra pound of PM and VOC emissions that would be reduced by installing an alternative emission control device would result in a minimum of $29,140 for existing facilities in San Diego County. This cost significantly exceeds the cost-effectiveness of the District's other prohibitory rules; therefore, the District anticipates owners/operators of existing chain-driven charbroilers to install a flames catalytic oxidizer instead of an alternative emission control.

Socioeconomic Impacts Assessment

California Health & Safety Code 40728.5 requires that whenever a district intends to propose the adoption, amendment, or repeal of a rule or regulation that will significantly affect air quality or emissions limitations, that agency shall, to the extent data are available, perform an assessment of the socioeconomic impacts of the adoption, amendment, or repeal of the rule or regulation. The Governing Board shall actively consider the socioeconomic impact of regulations and make a good faith effort to minimize adverse socioeconomic impacts. This section does not apply to the adoption, amendment, or repeal of any rule or regulation that results in any less restrictive emissions limit if the action does not interfere with the district's adopted plan to attain ambient air quality standards or does not result in any significant increase in emissions.

Proposed new Rule 67.26 will result in significant PM and VOC emissions reductions and help improve air quality regionwide. Therefore, a socioeconomic impact analysis is required for this proposed new rule. However, the District finds that an assessment of the socioeconomic impacts of proposed amendments to Rules 11, 12, and 40, is not required pursuant to California Health and Safety Code Section 40728.5(a), as the proposed amendments to these rules are solely administrative in nature and will not impost new or more stringent requirements on affected sources and will not significantly affect air quality or emissions limitations.

California Health and Safety Code Section 40728.5(b) specifies the following elements to be included in the socioeconomic assessment are satisfied through this section which examines the following items:

- The necessity of adopting, amending, or repealing the rule or regulation to attain state and federal ambient air standards.
- The type of industries or businesses affected by the proposed new rule.
- The impact of the new rule on employment and the economy of San Diego County.
- The range of probable costs, including cost to industry or businesses.
- The availability and cost-effectiveness of alternatives to the proposed new rule.
- The emission reduction potential of the proposed new rule.

Necessity of Adopting, Amending, or Repealing

The discussion of the necessity of adopting, amending, or repealing a rule to attain state and federal ambient air quality standards is met through the discussion within the other sections of this Staff Report and in the corresponding Board Resolution.

Type of Industries and Businesses Affected

Proposed new Rule 67.26 would primarily affect quick-service/fast-food restaurants and sit-down restaurants in the restaurant industry, specifically those in the burger restaurant industry. Currently, the District estimates approximately 197 restaurant facilities to be potentially subject to proposed new Rule 67.26 emission control requirements. Such facilities may include, but are not limited to, Burger King, Carl's Jr., and other commercial cooking businesses that operate a chain-driven charbroiler. The known affected restaurants facilities are large fast-food restaurant chains and franchises, comprising 48% percent of all potentially subject restaurant facilities in San Diego county. Fast-food restaurant chains, in particular within the burger industry, have been found to be consistently profitable, even at the peak of the global COVID-19 pandemic which impacted most commercial cooking facilities worldwide. Moreover, the overall restaurant industry is a major economic driver to San Diego County, which supports thousands of jobs and contributes to the local economy.

Manufacturers of catalytic oxidizers would be affected by proposed new Rule 67.26 by a possible increase in production and/or maintenance obligations. However, District staff has not identified any catalytic oxidizer manufacturer facilities in San Diego County. Moreover, catalytic oxidizer manufacturers commonly found in California have already certified several emission controls with SCAQMD; therefore, it is unlikely manufacturers will have difficulty providing catalytic oxidizers to distributors, sellers, or owners/operators of chain-driven charbroilers in San Diego County to comply with the new proposed emission control requirements. Consequently, proposed new Rule 67.26 is expected to have minimal impact to catalytic oxidizer manufacturers.

Distributors, sellers, and installers of catalytic oxidizers already sell inventory today that meet the minimum control efficiency for PM and VOC emissions proposed in new Rule 67.26.

Impacts to Employment and Economy

Proposed new Rule 67.26 is expected to have no significant impact on employment, business creation, elimination or expansion, or business competitiveness in the San Diego region. The proposal will not significantly affect the quick-service/fast-food, sit-down, or the burger restaurant industry because proposed catalytic oxidizers have been used (and continue to be used) and regulated in these industries for decades at other air pollution control districts throughout the state of California. Proposed new Rule 67.26 is not expected to have any significant impacts that would

decrease employment or have any adverse effects to the local economy. The District anticipates existing restaurant facilities affected by proposed new Rule 67.26 would likely not need to hire additional staff to operate and maintain flameless catalytic oxidizers on a daily basis, as maintenance typically comprises of general washing of the device. Should owners/operators elect to install more complicated alternative emission control systems, it is possible that such systems may require specially trained staff to periodically maintain the equipment.

Additionally, as discussed in the District's Response to Comments Report, the installation of flameless catalytic oxidizers can likely be mitigated/minimized by scheduling a time at the owner/operator's discretion when the device can be installed/maintained, to minimize any temporary shutdown period or possible lost wages of employees. Such possibilities include when restaurants may be closed overnight, during slow periods when burgers may not be cooked on a charbroiler (such as during breakfast hours), or during periods when the charbroiler is taken offline for annual maintenance.

Probable Costs

As shown in Table 5, the cost of a typical flameless catalytic oxidizer is approximately $13,000, which includes both direct and indirect costs for installation on an existing chain-driven charbroiler. Flameless catalytic oxidizers are readily available in San Diego County since they have been previously required by neighboring air districts in the State (specifically SCAQMD, SJVAPCD, BAAQMD, and VCAPCD). Table 5 also describes possible ongoing annual costs for permitting and maintenance of the control technology.

Availability and Cost Effectiveness of Alternatives

The District investigated several other emission control technologies associated with proposed new Rule 67.26, as shown in Table 1. Although not commonly found at restaurant facilities due to their high fuel costs, the District identified thermal incinerators as a viable alternative emission control option to meet proposed new rule requirements (see Tables 6 and 7). The District estimates the cost-effectiveness to control emissions from a chain-driven charbroiler using a thermal incinerator to be $186.80 per pound of PM reduced and $560.40 per pound of VOC reduced, which far surpasses the cost-effectiveness calculated for a chain-driven charbroiler installed with a flameless catalytic oxidizer.

Emission Reduction Potential

Proposed new Rule 67.26 is expected to result in annual emission reductions of 20.6 tons of PM (all considered to be PM2.5), and 6.5 tons of VOC, upon full rule implementation.

Estimated Fees

Amendments to Rule 40 are proposed to add new fees (Schedule 16) associated with proposed new Rule 67.26. If Rule 67.26 is adopted as proposed by the Governing Board, an owner/operator of an existing or new chain-driven charbroiler with a catalytic oxidizer that meets the proposed cooking limit of 415 lbs./week, will need to apply for either a Registration or Permit to Operate pursuant to the Compliance Schedule in Section (j) of proposed new Rules 67.26 and pay initial application fees, as well as other applicable District fees, as described in Section V above.

If the chain-driven charbroiler and catalytic oxidizer combination is certified by SCAQMD, the owner/operator would apply for a registration to the District. Conversely, if the chain-driven charbroiler is installed with any other non-certified emission control device, owners/operators would need to apply for a permit to operate.

Registered or permitted commercial chain-driven charbroilers would be subject to annual compliance inspections by the District. Owners/operators would pay annual operating fees as described in Section V above pursuant to proposed amended Rule 40. Charbroiling operations that do not have a permit or registration would also be subject to possible inspections by District staff to verify compliance with District rules and/or exemptions being utilized.

IX. ENVIRONMENTAL ANALYSIS

California Environmental Quality Act (CEQA) and Public Resources Code

The California Environmental Quality Act (CEQA) requires environmental review of certain actions. Pursuant to CEQA and Public Resources Code Section 21159, the District prepared an Initial Study to determine whether there is any evidence that adopting proposed new Rule 67.26 and corresponding proposed amendments to Rules 11, 12, and 40, may have a significant environmental impact. The Initial Study revealed no substantial evidence that such actions may have a significant effect on the environment, and based on initial findings, a proposed Negative Declaration was prepared (Attachment H). The District published the Notice of Intent to adopt the Negative Declaration and solicited comments during a 30-day review period along with the proposed new rule and corresponding amendments. To date, no public comments on the CEQA documents have been received.

Environmental Justice

If adopted, proposed new Rule 67.26 would satisfy commitments made within the 2021 Portside CERP via Action C3, to evaluate and, if feasible, pursue rule development for commercial cooking operations. If adopted, significant PM and VOC emissions reductions are anticipated to occur within two years of rule adoption from existing chain-driven charbroilers subject to emissions control requirements in proposed new Rule 67.26. Additionally, any new chain-driven charbroilers proposed in under-resourced communities (or countywide) meeting the thresholds established would be required to install emission control technology, limiting potential emission growth. Significant PM emission reductions will help improve the health of residents living in vulnerable neighborhoods like the Portside and International Border communities, as well as the entirety of San Diego County. The District estimates approximately five facilities that may be subject to proposed new Rules 67.26 are located in the Portside community, and three facilities are located in the International Border community.

X. RULE DEVELOPMENT AND PUBLIC PARTICIPATION PROCESS

Outreach – Electronic Survey

In an effort to obtain information on estimated restaurants likely to use commercial charbroilers and amount/type of meat throughput, the District sent electronic surveys (via Survey Monkey) to active DEHQ permit owners of 197 restaurant food facilities known to operate commercial charbroilers. Most of these restaurants comprised of six major fast-food restaurants. Some restaurant facilities did not receive an electronic survey because no email address was found. The District sent the surveys on April 17, 2024, and extended its closing date until May 17, 2024. See a completed survey below in Figures 3 and 4.

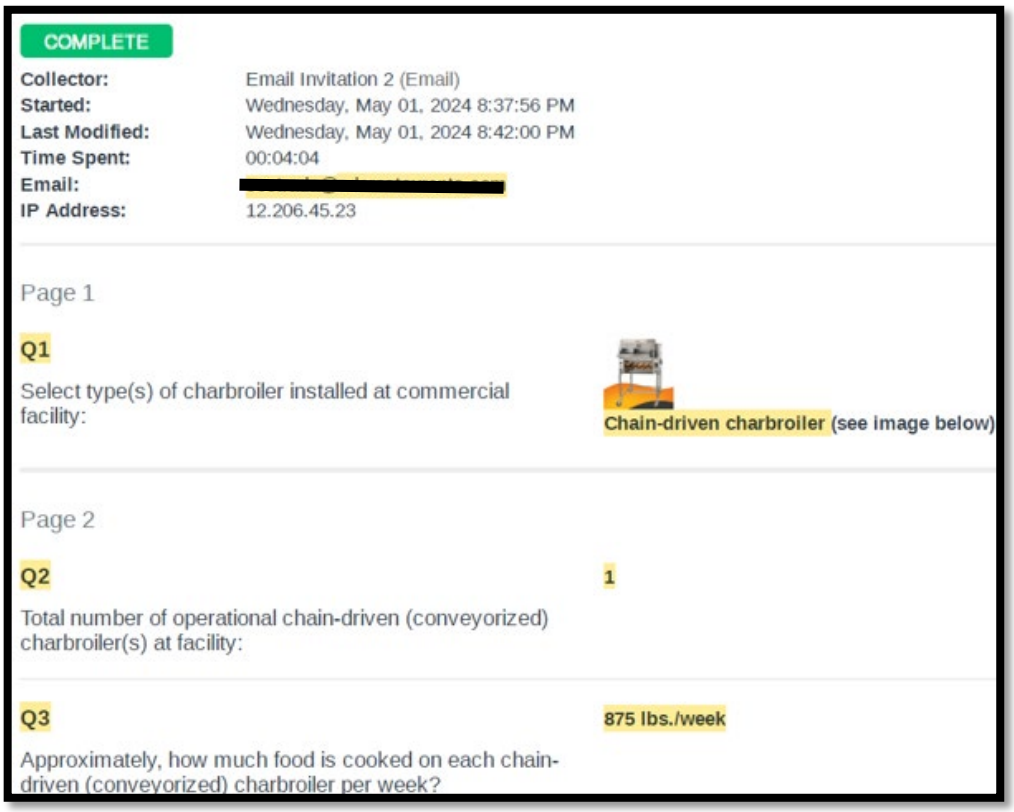

Figure 3: Survey Question Responses *(part 1)*

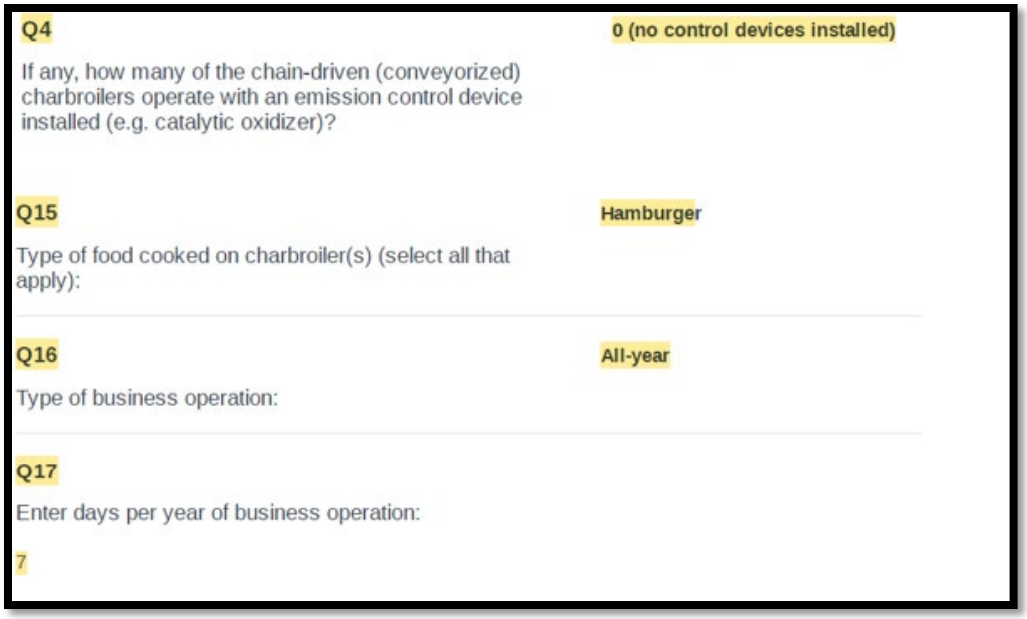

Figure 4: Survey Question Responses *(part 2)*

Outreach – Site Visits

In addition to the survey, the District attempted to schedule site visits at some of the aforementioned restaurants. In May 2024, Rule Development staff met with one such restaurant located in Sorrento Valley. This location was selected to observe chain-driven charbroiler operations and equipment solely due to its close proximity to the District's main office. During this site visit, the following data was collected:

- Typically, only one chain-driven charbroiler is installed per facility.
- No second chain-driven charbroiler is installed/needed for backup. Operations/business stops completely if repairs or retrofitting is needed.
- This location cooks approximately 700 lbs. per week of hamburgers only on a chain-driven charbroiler. However, this location is typically busier than most other locations of the same restaurant within San Diego County.
- No emission control devices installed.

District staff also conducted additional site visits at three additional restaurants located within the terminals at San Diego International Airport, to better understand the amount of meat typically cooked, operational characteristics, and equipment used.

Rule Change Copy Formatting

The District uses specific formatting procedures in draft rule change copies, as shown in Table 9, that are released for public review. This ensures all changes can be adequately tracked by staff and the public throughout the rule development process.

Table 9. Rule Development Change Copy Formatting Procedures

	New Rule	Example Language	Revised Rule	Example Language
Public Workshop Change Copy (Prior to Public Workshop)	Normal text, no formatting needed	"Change of Ownership"	Single underline/ Single strikeout	"Change of Ownership" ~~"Change of Ownership"~~
Post-Workshop Change Copy (Prior to Governing Board consideration)	Single underline/ Single strikeout	"Change of Ownership" ~~"Change of Ownership"~~	Double underline/ Double strikeout	"Change of Ownership" ~~"Change of Ownership"~~
2nd Public Workshop Change Copy *if needed* (After first workshop and prior to Governing Board consideration)	Double underline/ Double strikeout	"Change of Ownership" ~~"Change of Ownership"~~	Single underline/ Single strikeout/ Italics	~~*"Change of Ownership"*~~; *and location*
Post 2nd Workshop Change Copy *or other changes if needed*	Single underline/ Single strikeout/ Italics	~~*"Change of Ownership"*~~; *and location*	Double underline/ Double strikeout/ Italics	~~*"Change of Ownership"*~~; *and location*

XI. OTHER RULE AMENDMENTS

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 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.

XII. CONCLUSION

This Staff Report addresses all the requirements specified in Health and Safety Code Sections 40725 through 40728.5 for rule development, and Health and Safety Code Section 42311 for adoption of a new fee.

XIII. REFERENCES

1. "Burger Restaurants in the US". Le, Thi. IBISWorld, September 2024. www.ibisworld.com.
2. "Fast Food Restaurants in the US". Le, Thi. IBISWorld, October 2024. www.ibisworld.com.
3. "CPI Inflation Calculator.", U.S. Bureau of Labor Statistics, www.bls.gov/data/inflation_calculator.htm. Accessed August 2024 and March 2025.

4. Certified catalytic oxidizer list, "South Coast AQMD Certified Charbroilers with Integrated Catalysts". Last updated on May 5, 2023, https://www.aqmd.gov/docs/default-source/permitting/product-certification/charbroilerscatalysts.pdf.
5. Regulation 6, Rule 2, "Commercial Cooking Equipment", Bay Area Air Quality Management District, adopted on December 5, 2007.
6. Rule 74.25, "Restaurant Cooking Operations", Ventura County Air Pollution Control District, adopted October 12, 2004.
7. Rule 1138, "Control of Emissions from Restaurant Operations", South Coast Air Quality Management District, adopted on November 14, 1997.
8. "Rule 1138 Staff Report", South Coast Air Quality Management District, dated October 10, 1997.
9. Rule 4692, "Commercial Charbroiling", San Joaquin Valley Air Pollution Control District, adopted on March 21, 2002, amended in 2009 and 2018.
10. "Rule 4692 Staff Report", San Joaquin Valley Air Pollution Control District, dated January 2002, November 2008, and April 2018.

XIV. ATTACHMENTS

Attachment G1 – New Rule 67.26 Comparative Rule Analysis Summary

ATTACHMENT G1

Attachment G1. New Rule 67.26 Comparative Rule Analysis Summary

District	SDACPD	BAAQMD	SJVAPCD	SCAQMD	VCAPCD
Rule Name	Rule 67.26 - Commercial Cooking Operations and Charbroilers.	Regulation 6 Particulate Matter, Rule 2 Commercial Cooking Equipment	Rule 4692 - Commercial Charbroiling	Rule 1138 - Control of Emissions from Restaurant Operations	Ventura Rule 74.25 - Restaurant Cooking Operations
Date of Adoption	TBD	5-Dec-2007	21-Mar-2002	14-Nov-1997	12-Oct-2004
Date of Revision	N.A	N/A	Amended 17-Sep-2009 and on 21-Jun-2018	2009 - proposed amendments to add requirements for under-fired charbroilers.	N/A
Applicability	Applies to any person who installs, owns, or operates any charbroiler at a commercial cooking operations facility within San Diego County	Any person who owns, operates, or installs a chain-driven (conveyorized) charbroiler in a restaurant and purchases 500 lbs. of beef or more per week.	Charbroilers used to cook meat at commercial cooking operations.	Owners and operators of commercial cooking operations that use chain-driven charbroilers to cook meat.	The owner or operator of restaurant cooking equipment: Conveyorized (chain-driven) charbroilers.
Exemptions	•Under-fired charbroilers & flat-top grills/griddles •Chain-driven charbroilers in microenterprise home kitchens •Limited use chain-driven charbroilers:;<415 lbs. of meat per calendar week (not to exceed 21,580 lbs. during calendar year), or <875 lbs. of meat every calendar week during one consecutive 12-week period in most recent calendar year (i.e. seasonal use) •Low-emitting chain-driven charbroilers that emits <0.50 lbs./day (or 3.5 pounds per week) of PM and 0.15 lbs./day (1.1 pounds per week) of VOC	Exempt if unit cooks less than 400 lbs. of beef per week.	Exempt if: (1) Cooks less than 400 lbs. of meat per week, or (2) less than 10,800 lbs. in the most recent 12-month rolling period and the total amount of meat cooked per week does not exceed 875 lbs. (3) Low-emitting units that emit less than 1 lb/day of any criteria pollutant.	Exempt if: (1) applies for exemption, submits substantiating data to prove they operate at or below weekly limit, and accepts permitting condition limiting the amount of meat cooked to less than 875 lbs. per week; or (2) submit testing showing that emissions are less that 1 lb. per day of any criteria pollutant.	Exempt if charbroiler placed into service prior to Oct. 2005 that cooks less than 875 lbs. per week (no exemption for throughputs for units installed after Oct. 2005).
Control Measure(s)	Requires the installation of a control device certified by SCAQMD or alternative emission control device to reduce at least 83% of PM emissions and 86% of VOC emissions.	Requires the installation of a catalytic oxidizer certified by the manufacturer to limit emissions to no more than 1.3 lbs. of PM-10 and 0.32 lbs. of VOCs per 1,000 lbs. of beef cooked, or installation of an alternative control device certified by the manufacturer to limit emissions to no more than 0.74 lbs. of PM-10 per 1,000 lbs. of beef cooked.	Reduce PM10 emissions by 83% through the installation of an approved catalytic oxidizer.	Subject charbroilers shall only operate with a certified catalytic oxidizer or alternative emission control device or methods.	Requires the installation of a control device certified by SCAQMD to reduce both VOCs and particulate matter emissions by 83%. Other emission control devices shall be tested per SCAQMD's protocol.
One-time Compliance Report	*N/A*	*N/A*	Required for existing chain-driven charbroilers subject to control requirements of the proposed	*N/A*	*N/A*
Registration	Charbroilers with integrated catalysts that have already been certified (have a Certified Equipment Permit from SCAQMD) shall submit a Registration Permit to Construct or to Operate application.	Units subject to control requirements shall be registered. The owner/operator is required to obtain a registration for each facility having one or more charbroilers subject to rule. The registration covers all charbroilers and associated emission control device(s) at a facility. Renew the registration annually.	*N/A*	Charbroilers with integrated catalysts that have already been certified (have a Certified Equipment Permit from SCAQMD) shall submit a Registration Permit to Construct or to Operate application. Facilities that are subject to Title V, RECLAIM, or facilities within a 1,000 ft. of a school are not eligible to register the certified equipment.	*N/A*
Permit to Operate	Permit to operate required for all chain-driven charbroilers and non-certified catalytic oxidizers and alternative control devices	*N/A*	Permit to operate required for all chain-driven charbroilers, including the units with control devices certified by SCAQMD.	Charbroilers with integrated catalysts that are not currently on the certified list and charbroilers using an alternative control device or method shall apply for a Permit to Construct/Operate.	Permit to operate application shall be filed prior to purchase of the emission control equipment.
Manufacturer's Certification	*N/A*	Manufacturers shall submit an application for certification of their compliant control equipment.	Control device manufacturers can apply for certification of their compliant equipment.	Manufacturer's shall follow SCAQMD's testing method requirements to obtain a Certified Equipment Permit for the combination charbroiler/catalyst or charbroiler/alternative	*N/A*
Recordkeeping	District-permitted charbroilers shall maintain weekly and annual records of the total quantity (in pounds) for each type of meat cooked on each charbroiler and maintained onsite for 5 years. Additionally subject charbroilers shall maintain documentation of installation and maintenance of emission control devices.	Units subject to this rule shall maintain records. Exempt units shall maintain records to demonstrate exemption.	Both exempt charbroilers and charbroilers subject to control requirements shall keep on site weekly records of the meat cooked on each unit and retain records for no less than 5 years. Additionally, exempt, low-emitting units, shall also keep test results.	Units subject to rule shall keep retain records for 5 years. Exempt units shall maintain weekly records of the amount of meat cooked and monthly records of the amount of meat purchased.	Exempt units must maintain weekly records of the lbs. of meat and monthly records of the lbs. of meat purchased.