

RULE 1138 CONTROL OF EMISSIONS FROM RESTAURANT OPERATIONS

(a) Applicability

This rule applies to owners and operators of commercial cooking operations, preparing food for human consumption. The rule requirements currently apply to chain-driven charbroilers used to cook meat. All other commercial restaurant cooking equipment including, but not limited to, under-fired charbroilers, may be subject to future rule provisions.

(b) Definitions

- (1) CATALYTIC OXIDIZER means a control device which burns or oxidizes smoke and gases from the cooking process to carbon dioxide and water, using an infrastructure coated with a noble metal alloy.
- (2) CHAIN-DRIVEN CHARBROILER is a semi-enclosed cooking device with a mechanical chain which automatically moves food through the device and consists of three main components: a grill, a high temperature radiant surface, and a heat source.
- (3) CHARBROILER means a cooking device composed of the following three major components: a grated grill, a high-temperature radiant surface and a heat source. The heat source heats the high-temperature radiant surface, which provides the heat to cook the food resting on the grated grill. This includes, but is not limited to broilers: grill charbroilers, flamebroilers and direct-fired barbecues.
- (4) ~~EXISTING CHAIN-DRIVEN CHARBROILER means any chain-driven charbroiler operating on or before November 14, 1997.~~
- (45) MEAT, for the purposes of this rule, includes beef, lamb, pork, poultry, ~~fish~~, and seafood.
- (6) ~~NEW CHAIN-DRIVEN CHARBROILER means any chain-driven charbroiler initially installed and operated after November 14, 1997.~~
- (57) RESTAURANT means any stationary commercial cooking establishment which prepares food for human consumption.
- (68) UNDER-FIRED CHARBROILER means a cooking device which has a grill, a high temperature radiant surface, and a heat source which is located below the food.

(79) WEEKLY means a consecutive seven-day period.

(c) Requirements

- (1) ~~No person shall operate an existing chain-driven charbroiler on and after November 14, 1999 unless it is equipped and operated with a catalytic oxidizer control device, and the combination charbroiler/catalyst has been tested in accordance with the test method specified in subdivision (g) and certified by the Executive Officer. Other control devices or methods may be used, if found, in accordance with the test method specified in subdivision (g), to be as or more effective than the catalytic oxidizer in reducing particulate matter (PM) and volatile organic compounds (VOC) (as defined in Rule 102) emissions and certified by the Executive Officer.~~
- (2) ~~Notwithstanding provisions of paragraph (c)(1) of this rule, persons operating an existing chain-driven charbroiler with permitted control equipment may elect to maintain that equipment for the duration of its functional life not to exceed 10 years from November 14, 1997. At such time, such persons may elect to either replace the existing control equipment with a catalytic oxidizer control device which in combination with the chain-driven charbroiler has been tested in accordance with the test method specified in subdivision (g) and certified by the Executive Officer, or other control device or method found to be as or more effective than the catalytic oxidizer in reducing PM and VOC emissions in accordance with the test method specified in subdivision (g) and certified by the Executive Officer.~~
- (13) No person shall operate a new chain-driven charbroiler after November 14, 1997 unless it is equipped and operated with a catalytic oxidizer control device, and this combination charbroiler/catalyst has been tested in accordance with the test method specified in subdivision (fg) and certified by the Executive Officer, or other control device or method if found to be as or more effective than the catalytic oxidizer in reducing emissions of particulate matter (PM) and volatile organic compounds (VOCs) ~~emissions~~ in accordance with the test protocol specified in subdivision (fg) and certified by the Executive Officer.
- (24) Catalytic oxidizers or other control devices shall be maintained in good working order to minimize visible emissions to the atmosphere, and operated, cleaned, and maintained in accordance with the manufacturer's specifications in a

maintenance manual or other written materials supplied by the manufacturer or distributor of the catalyst or other control device, or chain-driven charbroiler.

- (3) Owners or operators of chain-driven charbroilers shall submit equipment filings, including any applicable exemptions specified in subparagraph (e)(1)(A) or paragraph (e)(2), pursuant to Rule 222 – Filing Requirements for Specific Emission Sources Not Requiring a Written Permit Pursuant to Regulation II.

(d) Recordkeeping

- (1) Owners and operators of chain-driven charbroilers equipped with control equipment shall, at the time of occurrences listed in subparagraphs (d)(1)(A) and (B), record such actions and retain the records for a period of not less than five years. These records shall be made available to a District representative upon request. Records shall consist of:
- (A) the date of installation or changing of any catalyst or, if applicable, other certified control device; and
 - (B) the date and time of cleaning and maintenance performed for the catalyst or, if applicable, other certified control device.
- (2) Owners and operators of chain-driven charbroilers operating under an exemption from provisions of this rule pursuant to subdivision (e), shall maintain weekly records of the amount of meat cooked and monthly records of the amount of meat purchased. These records shall be retained on the restaurant premises for a period of not less than five years and made available to a District representative upon request.
- (3) Persons may request use of alternative recordkeeping, provided the Executive Officer and EPA have determined, in writing, that the alternative recordkeeping method provides equivalent compliance assurance as the records specified in paragraphs (d)(1) or (d)(2).

(e) Exemptions

- (1) An owner or operator of a chain-driven charbroiler may apply for an exemption is exempt from the provisions of paragraphs (c)(1), (c)(2), through (c)(4) and (d)(1) provided that either subparagraph (e)(1)(A) or (e)(1)(B) is met:

- (1) (A) ~~based on accepting a permit condition limiting t~~The amount of meat cooked on the chain-driven charbroiler is ~~to less than; 875 pounds per week; or~~
- (i) 400 pounds weekly; or
- (ii) 10,800 pounds in any continuous 12-month period and less than 875 pounds weekly.
- (2) (B) ~~by~~The owner or operator demonstrates, ~~supplying evidence from testing pursuant to the test method specified in subdivision (fg), demonstrating that emissions from the chain-driven charbroiler are less than the one pound per day of any criteria air contaminant; and acceptsing permit conditions necessary to preclude an exceedance of that level of emissions.~~
- (2) Prior to September 6, 2026, an owner or operator of a chain-driven charbroiler is temporarily exempt from the provisions of paragraphs (c)(1), (c)(2), and (d)(1) provided that the amount of meat cooked on the chain-driven charbroiler is less than 875 pounds weekly. On or after September 6, 2026, only the exemptions in (e)(1) may apply.

(f) Evaluations

~~The Executive Officer will evaluate Rule 1138 and report to the Governing Board, no later than 18 months from the date of its adoption, to assess the feasibility of emission reductions and whether cost-effective control devices or other methods are available for the control of emissions from under-fired charbroilers and potentially other commercial restaurant cooking equipment.~~

(fg) Test Methods

The District's Protocol - Determination of Particulate and Volatile Organic Compound Emissions from Restaurant Operations shall be used to determine the pounds of PM and VOC per 1,000 pounds of meat cooked.