

**PROPOSED AMENDED 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)~~ BEEF means steak, hamburger, and other similar products from an adult bovine, including any attached bone, tendons, fat, and organs.

~~(42)~~ 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.

~~(23)~~ 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.

~~(34)~~ 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.

~~(45)~~ EXISTING CHAIN-DRIVEN CHARBROILER means any chain-driven charbroiler operating on or before November 14, 1997.

~~(56)~~ MEAT, for the purposes of this rule, includes beef, lamb, pork, poultry, fish, and seafood.

~~(67)~~ NEW CHAIN-DRIVEN CHARBROILER means any chain-driven charbroiler initially installed and operated after November 14, 1997.

~~(78)~~ RESTAURANT means any stationary commercial cooking establishment which prepares food for human consumption.

(89) 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.

(910) 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 (gf) 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 (gf), 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 (gf) 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 (gf) and certified by the Executive Officer.

(3) 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 (gf) 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 PM and VOC emissions in accordance with the test protocol specified in subdivision (gf) and certified by the Executive Officer.

- (4) 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.
- (5) No person shall operate an under-fired charbroiler that has been installed on or after (date of adoption), that cooks beef in excess of the amounts specified in Table 1, unless they are equipped and operated with a control device that has been certified by the manufacturer to reduce particulate matter (PM) emissions by at least 85 percent, as tested in accordance with the test method specified in subdivision (f).
- (6) No person shall operate under-fired charbroilers installed prior to (date of adoption), that cooks beef in excess of the amounts specified in Table 1, unless they are equipped and operated with a control device that has been certified by the manufacturer to reduce particulate matter (PM) emissions by at least 85 percent tested in accordance with the test method specified in subdivision (f).

Table 1
Under-fired Charbroiler Compliance Dates

<u>Under-fired Charbroiler Installation Date and Amount of Beef Cooked</u>	<u>Compliance Date</u>
<u>Before (date of adoption)</u> <u>>1,500 lbs/wk (based on a 3-month rolling average)</u> <u>>1,250 lbs/wk (based on a 3-month rolling average)</u>	<u>January 1, 2013</u> <u>July 1, 2013</u>
<u>On or after (date of adoption)</u> <u>>1,500 lbs/wk (based on a 3-month rolling average)</u> <u>>1,250 lbs/wk (based on a 3-month rolling average)</u>	<u>July 1, 2010</u> <u>January 1, 2011</u>

- (7) Notwithstanding the provisions of paragraph (c)(6) of this rule, persons operating an under-fired charbroiler with an air pollution control device installed and operating as of July 1, 2009, may elect to maintain that equipment for the duration of its functional life not to exceed January 1, 2014. At such time, such persons shall install a control device that has

been certified by the manufacturer to reduce particulate matter (PM) emissions by at least 85 percent tested in accordance with the test method specified in subdivision (f).

(8) A source operating pursuant to an exemption under paragraph (e)(2) that subsequently exceeds the exemption threshold of 1,250 pounds per week of beef cooked, based on a 3-month rolling average, shall comply with the applicable provisions of paragraph (c)(5) or (c)(6), within 6 months of the exceedance.

(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)~~ below, 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 for under-fired charbroilers the amount of beef cooked, on what device(s) the beef is cooked, and monthly records of the amount of meat purchased for chain driven charbroilers and beef for under-fired charbroilers. 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) Exemption

(1) An owner or operator of a chain-driven charbroiler may apply for an exemption from provisions of paragraphs (c)(1) through (c)(4) and (d)(1):

- (1) (A) based on accepting a permit condition limiting the amount of meat cooked on the chain-driven charbroiler to less than 875 pounds per week; or
- (2) (B) by supplying evidence from testing pursuant to the test method specified in subdivision (g), demonstrating that emissions from the chain-driven charbroiler are less than the one pound per day of any criteria air contaminant, and accepting permit conditions necessary to preclude an exceedance of that level of emissions.
- (2) An owner or operator of an under-fired charbroiler may operate as a facility exempt from provisions of paragraphs (c)(5) or (c)(6), provided records are maintained pursuant to paragraph (d) demonstrating the amount of beef cooked on the under-fired charbroilers is less than 1,250 pounds per week, based on a 3-month rolling average, and made available to the Executive Officer upon request.

~~(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.~~

(g) Test Methods

- (1) 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, for chain-driven charbroilers.
- (2) Emissions from under-fired charbroilers shall be determined pursuant to most recent version of ASTM for Performance of Underfired Broilers, F 1695-03. Efficiency of control devices shall be determined pursuant to District's Protocol for Determining PM₁₀ Emissions from Under-fired Charbroilers.