

RULE 1118.1. CONTROL OF EMISSIONS FROM NON-REFINERY FLARES

(a) Purpose

The purpose of this rule is to reduce NO_x and VOC emissions from flaring produced gas, digester gas, landfill gas, and other combustible gases or vapors and to encourage alternatives to flaring.

(b) Applicability

This rule applies to owners and operators of flares that require a SCAQMD permit at non-refinery facilities, including, but not limited to, oil and gas production facilities, wastewater treatment facilities, landfills, and organic liquid handling facilities.

(c) Definitions

- (1) ANNUAL THROUGHPUT means the volume of gas or vapor in million standard cubic feet (MMscf) that is combusted in a flare or flare station in one calendar year.
- (2) BIOGAS includes digester gas or landfill gas produced by the breakdown of organic matter in the absence of oxygen.
- (3) CAPACITY is the maximum volumetric flow rate of gas or vapor that the flare or flare station is rated to process in units of scf per minute or the maximum heat input rate the flare or flare station is rated to process in units of million British thermal units (MMBtu) per hour.
- (4) CAPACITY THRESHOLD is the percentage of the capacity used to flare gas and is used to determine when an owner or operator of a flare or flare station must take action to reduce NO_x emissions and/or reduce the throughput to the flare.
- (5) DIGESTER GAS means a gas produced from either mesophilic or thermophilic digestion of biodegradable waste, consisting of methane, carbon dioxide, and traces of other contaminant gases.
- (6) FACILITY is as defined by Rule 1302 – Definitions.
- (7) FLARE means a combustion device that oxidizes combustible gases or vapors, where the combustible gases or vapors being destroyed are routed directly into the burner without energy recovery.

- (8) FLARE REPLACEMENT means the substitution of a flare or flare burner(s).
- (9) FLARE STATION means two or more flares situated on a single pad and equipped with one common fuel meter.
- (10) HEAT INPUT means the higher heating value of the fuel to the flare measured as Btu per hour.
- (11) LANDFILL GAS means any gas derived through a natural process from the decomposition of waste deposited in a landfill.
- (12) MAJOR FACILITY is a Major Polluting Facility as defined by Rule 1302 – Definitions.
- (13) MINOR FACILITY is as defined by Rule 1302 – Definitions.
- (14) NOTIFICATION OF ANNUAL PERCENT CAPACITY GREATER THAN THRESHOLD means the written form submitted by a facility to indicate the annual percent capacity of a flare or flare station is greater than the applicable threshold listed in Table 2 – Annual Capacity Thresholds.
- (15) NOTIFICATION OF FLARE INVENTORY AND CAPACITY means the written form submitted by a facility to indicate the number of flares and the capacity of those flares at a facility.
- (16) NOTIFICATION OF FLARE THROUGHPUT REDUCTION means the written form submitted by a facility to indicate the compliance strategy to reduce flare throughput below the applicable threshold listed in Table 2 – Annual Capacity Thresholds.
- (17) NOTIFICATION OF INCREMENTS OF PROGRESS means the written form submitted by a facility to indicate the actions that have been completed, the actions yet to be completed, and any changes to the original notifications.
- (18) NOTIFICATION OF INTENT means the written form submitted by a facility to indicate the action that will be taken if the annual percent capacity of the flare or flare station is greater than the applicable threshold listed in Table 2 – Annual Capacity Thresholds for two consecutive calendar years.
- (19) OPEN FLARE means an unshrouded flare.
- (20) ORGANIC LIQUID means any liquid containing volatile organic compounds (VOC).
- (21) ORGANIC LIQUID LOADING means the bulk loading of organic liquids, such as organic liquids in marine vessels, tank trucks, trailer, railroad tank car, or stationary storage tanks.

- (22) ORGANIC LIQUID STORAGE means the storage of organic liquids, such as organic liquids stored in tank farms and pipeline breakout stations.
- (23) OTHER FLARE GAS includes gases combusted other than landfill gas, digester gas, produced gas, or gases generated from organic liquid handling.
- (24) OXIDES OF NITROGEN (NO_x) means nitric oxide and nitrogen dioxide.
- (25) PERCENT CAPACITY means either the total throughput to the flare or flare station divided by the maximum volumetric capacity of the flare or flare station; or the total heat input to the flare divided by the maximum heat input of the flare or flare station.
- (26) PIPELINE BREAKOUT STATION means a facility along a pipeline containing storage vessels used to relieve surges or receive and store petroleum products from the pipeline for re-injection and continued transportation by pipeline or to other facilities.
- (27) PRODUCED GAS is organic compounds that are both gaseous at standard temperature and pressure and are associated with the production, gathering, separation or processing of crude oil.
- (28) PROTOCOL means a test protocol for determining compliance with emission limits for applicable equipment.
- (29) PUBLICLY-OWNED FACILITY means a wastewater management facility, solid waste management facility, sewage treatment facility, or landfill facility, if owned and operated by a public agency.
- (30) REGENERATIVE ADSORPTION SYSTEM means a system used to remove impurities from combustible gases or vapors consisting of several media trains that are regenerated by purging with gas, typically used with biogas or produced gas.
- (31) REGENERATION GAS means the purge gas from a regenerative adsorption system.
- (32) RELOCATE means to remove an existing source from one facility in the SCAQMD and to install that source on another non-contiguous facility. Relocate does not include flares with a Various Location permit.
- (33) UTILITY PIPELINE CURTAILMENT means limits imposed by the utility that occur at the pipeline that prevents gas from being injected into the utility pipeline, including monitoring equipment breakdown or gas pipeline upgrades and maintenance.
- (34) VOLATILE ORGANIC COMPOUND (VOC) is as defined in Rule 102 – Definition of Terms.

(d) Requirements

- (1) An owner or operator that submits an application to install, replace, or relocate a flare after January 4, 2019 shall comply with:
 - (A) The applicable NO_x, VOC, and carbon monoxide (CO) emission limits specified in Table 1 – Emission Limits;
 - (B) For flares combusting Produced Gas at a facility with estimated annual emissions of four or more tons of any one of the following: sulfur oxides, VOCs, NO_x, specific organics, particulate matter (PM); or 100 tons per year or more of CO, the owner or operator shall also comply with the following annual limits:
 - (i) For a replaced flare or flare station, annual throughput shall be limited to no more than 110 percent of the average annual throughput to that flare or flare station for the two calendar years immediately preceding the submittal of the flare or flare station application based on the annual emission reported; or if not available, annual throughput shall be limited to no more than 45 MMscf/year;
 - (ii) For a new flare that is not replacing an existing flare, the annual throughput shall be limited to no more than 45 MMscf/year.

Table 1 – Emission Limits

| Flare Gas | NO _x | CO | VOC |
|-----------------------------|-----------------------------|------|-------|
| | pounds/MMBtu | | |
| Digester gas ¹ : | | | |
| Major facility | 0.025 | 0.06 | 0.038 |
| Minor facility | 0.06 | N/A | N/A |
| Landfill gas | 0.025 | 0.06 | 0.038 |
| Produced gas | 0.018 | 0.01 | 0.008 |
| Other flare gas | 0.06 | N/A | N/A |
| Organic liquid handling: | | | |
| Organic liquid storage | 0.25 | 0.37 | N/A |
| Organic liquid loading | pounds/1,000 gallons loaded | | |
| | 0.034 | 0.05 | N/A |

1. Table 1 - Emission Limits shall continue to apply unless amended or otherwise superseded following a technology assessment, caused to be performed by the Executive Officer, to determine potential alternative limits appropriate for digester gas generated from food waste diverted from landfills.

- (2) An owner or operator with a submitted application for a flare or flare station with a deemed complete date prior to January 4, 2019 shall comply with paragraph (d)(3).
- (3) An owner or operator of an existing flare or flare station combusting gases identified in Table 2 – Annual Capacity Thresholds shall comply with paragraph (g)(2) for each flare or flare station to determine their annual percent capacity pursuant to paragraph (g)(2).

Table 2 – Annual Capacity Thresholds

| Flare Gas | Threshold |
|------------------------------------|-----------|
| Any gas combusted in an open flare | 5% |
| Digester gas | 70% |
| Landfill gas | 20% |
| Produced gas | 5% |

- (A) If the flare or flare station’s annual percent capacity is greater than the applicable threshold listed in Table 2 – Annual Capacity Thresholds, the owner or operator shall submit a Notification of Annual Percent Capacity Greater than Threshold to the Executive Officer no later than 30 days from the end of that calendar year.

- (B) If the flare or flare station's annual percent capacity is greater than the applicable threshold listed in Table 2 – Annual Capacity Thresholds for two consecutive calendar years, the owner or operator shall submit a Notification of Intent to the Executive Officer no later than 60 days from the end of the second consecutive calendar year, selecting one of the following compliance options:
 - (i) Flare or flare station throughput reduction pursuant to paragraph (d)(4), or
 - (ii) Flare or flare station replacement or modification pursuant to paragraph (d)(5).
 - (C) An owner or operator of an existing flare or flare station shall not be subject to the requirements of subparagraph (d)(3)(A) or (d)(3)(B) if the flare(s) comply with the applicable emission limits in Table 1 – Emission Limits as demonstrated by a SCAQMD approved source test. The source test shall be conducted pursuant to a SCAQMD approved source test protocol, and shall be conducted every five years thereafter, pursuant to paragraph (f)(4).
- (4) Flare Throughput Reduction
- An owner or operator that submitted a Statement of Intent to reduce flare or flare station throughput pursuant to clause (d)(3)(B)(i) shall complete the following requirements pursuant to the schedule in Table 3 – Flare Throughput Reduction:
- (A) Submit a Notification of Flare Throughput Reduction to the Executive Officer that includes the following:
 - (i) Alternative method(s) to reduce flare or flare station throughput below the applicable threshold listed in Table 2 – Annual Capacity Threshold; and
 - (ii) Timetable to implement and operate the alternative method.
 - (B) Submit Notification of Increments of Progress to the Executive Officer which shall include:
 - (i) Actions to implement the throughput reduction completed;
 - (ii) Actions to implement the throughput reduction yet to be completed; and
 - (iii) Any changes to the original Notification of Intent or the Notification of Flare Throughput Reduction.

- (C) Reduce the annual throughput to the flare or flare station to a level at or below the applicable threshold listed in Table 2 – Annual Capacity Thresholds.

Table 3 – Flare Throughput Reduction

| Requirement | Schedule (with potential extension(s) pursuant to subdivision (e)) |
|--|---|
| Submit Notification of Flare Throughput Reduction | Within 6 months, or within 12 months for a Publicly-Owned Facility, from the end of the second consecutive calendar year the annual percent capacity is greater than the applicable threshold listed in Table 2 – Annual Capacity Thresholds |
| Submit Notification of Increments of Progress | 13 months from the end of the second consecutive calendar year the annual percent capacity is greater than the applicable threshold listed in Table 2 – Annual Capacity Thresholds, and annually thereafter, until the end of the first year the annual percent capacity is reduced to or below the applicable threshold listed in Table 2 – Annual Capacity Thresholds |
| Implement the flare reduction project | Within 36 months from the end of the second consecutive calendar year the annual percent capacity is greater than the applicable threshold listed in Table 2 – Annual Capacity Thresholds |
| Demonstrate flare reduction at a level at or below the applicable threshold listed in Table 2 – Annual Capacity Thresholds | 30 days after the end of the next calendar year the flare reduction project was implemented |

(5) Flare Replacement

An owner or operator that submitted a Statement of Intent to replace or modify the flare or flare station pursuant to clause (d)(3)(B)(ii) shall complete the following pursuant to the schedule in Table 4 – Flare Replacement:

- (A) Submit a permit application to the Executive Officer for flare replacement;
- (B) Replace or modify the flare or flare station to meet the applicable emission limits in Table 1 – Emission Limits; and
- (C) Demonstrate compliance with the applicable emission limits in Table 1 – Emissions Limits and shall conduct a source test pursuant to subdivision (f).

Table 4 – Flare Replacement

| Requirement | Schedule (with potential extension(s) pursuant to subdivision (e)) |
|-----------------------------|---|
| Submit permit application | Within 6 months, or within 12 months for a Publicly-Owned Facility, from the end of the second consecutive calendar year the annual percent capacity is greater than the applicable threshold listed in Table 2 – Annual Capacity Thresholds. |
| Complete flare installation | Within 18 months after SCAQMD permit to construct issued. |

- (6) Change of Notification of Intent

An owner or operator of a flare or flare station that is required to submit a Notification of Intent pursuant to (d)(3)(B) may rescind and submit a revision to the previously submitted Notification of Intent one-time provided the owner or operator:

 - (A) Notifies and implements the new compliance pathway no later than 36 months from the end of the second consecutive calendar year the annual capacity was greater than the applicable threshold listed in Table 2 – Annual Capacity Threshold; and
 - (B) The revision is to change the compliance option from either:
 - (i) Paragraph (d)(4) for flare throughput reduction to paragraph (d)(5) to flare replacement to meet applicable Table 1 – Emission Limits and is triggered with the submittal of a flare permit application; or
 - (ii) Paragraph (d)(5) for flare replacement to meet applicable Table 1 – Emission Limits to paragraph (d)(4) for flare

throughput reduction and is triggered with the submittal of a Notification of Flare Throughput Reduction.

- (7) An owner or operator of a flare or flare station combusting gases identified in Table 2 – Annual Capacity Thresholds shall submit a Notification of Flare Inventory and Capacity within 30 days of January 4, 2019 identifying the following information for each flare or flare station:
 - (A) Permit number;
 - (B) Date of flare installation;
 - (C) Type of gas combusted;
 - (D) Maximum rated capacity (MMscf/hour or MMBtu/hour);
 - (E) Description of fuel meter, if installed; and
 - (F) Date of last source test.
 - (8) An owner or operator of a flare or flare station subject to this rule shall perform maintenance in accordance with the manufacturer's schedule and specifications.
 - (9) An owner or operator of a flare or flare station shall display in an accessible location on the flare the model number and the rated heat input capacity of the flare on a permanent rating plate for any flare installed, relocated, or modified after January 4, 2019.
 - (10) The Notifications submitted under subparagraphs (d)(3)(A), (d)(3)(B), (d)(4)(A), and (d)(4)(B); paragraph (d)(6); and clause (d)(6)(B)(ii) shall be subject to notification fees pursuant to Rule 301(x) – Permitting and Associated Fees.
- (e) Time Extension
- (1) An owner or operator of a flare or flare station subject to this rule may submit a request to the Executive Officer for one twenty-four-month extension from the schedule in paragraph (d)(4) or one twelve-month extension from the schedule in paragraph (d)(5). The request shall be made in writing at least 60 days prior to the schedule deadline for the requirement. An extension shall not be available for an owner or operator of a flare or flare station complying with paragraph (d)(6). The time extension request shall include:
 - (A) The permit number or application number of the flare or flare station seeking the extension;
 - (B) The reason(s) a time extension is requested;

- (C) Increments of progress completed and increments of progress yet to be completed, and anticipated time needed to complete each increment; and
 - (D) The length of time requested.
- (2) Approval of Time Extensions
- The Executive Officer shall review the request for the time extension and shall provide written approval or reject the request within 60 days of receipt. The request shall be approved if the following criteria are met:
- (A) The owner or operator provides sufficient details justifying the basis for the requested extension and its duration;
 - (B) The owner or operator demonstrates to the Executive Officer that there are specific circumstances that necessitate the additional time requested to comply with scheduled deadlines. Such a demonstration may include, but is not limited to, providing detailed schedules, engineering designs, construction plans, permit applications, purchase orders, economic burden, and technical infeasibility.
- (f) Source Tests
- (1) Within 12 months from January 4, 2019, an owner or operator of a flare or flare station complying with subparagraph (d)(3)(C) or paragraph (h)(2) shall determine the applicable NO_x, VOC, and CO emissions by conducting an initial source test, and source testing every five years thereafter, pursuant to paragraph (f)(4). An owner or operator of a flare subject to paragraph (d)(1) shall conduct the initial source test according to the conditions set forth in the permit to construct, and conduct source testing every five years thereafter, pursuant to paragraph (f)(4).
 - (A) At least 90 days prior to a scheduled source test, submit a source test protocol to the Executive Officer for approval;
 - (B) At least one week prior to the scheduled source test, notify the Executive Officer, in writing, of the intent to conduct source testing;
 - (C) Conduct a source test according to the approved protocol. If prior to rule adoption, a source test was conducted pursuant to an approved protocol and demonstrated compliance with the applicable emission limits in Table 1 – Emission Limits, the owner or operator

- may opt to conduct the next source test within five years from the anniversary date of that prior source test; and
- (D) Operators of flares combusting landfill gas may fulfill the five-year source testing requirement through the Rule 1150.1 source testing requirements if the source test plans for that specific test period include the pollutants specified in Table 1 – Emission Limits.
- (2) Unless requested by the SCAQMD, after the approval of the initial source test protocol, the owner or operator of a flare or flare station subject to this rule is not required to resubmit a source test protocol for approval pursuant to subparagraph (f)(1)(A) if:
 - (A) The flare or flare station and its method of operation have not been altered in a manner that requires a permit application submittal; and
 - (B) Rule or permit emission limits have not become more stringent since the previous source test.
 - (3) All source tests shall be conducted:
 - (A) Using a SCAQMD approved source test protocol;
 - (B) Averaged over a maximum 60 minutes of flare operation;
 - (C) During operation other than start up or shut down; and
 - (D) In as-found operating condition.
 - (4) NO_x, CO, and VOC emissions in pounds per MMBtu of heat input shall be determined using the pollutant concentrations measured according to paragraph (f)(5) and the gas composition of the total gas or vapor combusted in the burner measured according to paragraph (f)(6) and calculated using the procedures in 40 CFR Part 60, Appendix A, Method 19, Sections 2 and 3, or another SCAQMD approved test method.
 - (5) NO_x, VOC, and CO concentrations shall be determined according to the following methods:
 - (A) NO_x and CO concentration shall be determined pursuant to SCAQMD Method 100.1 – Instrumental Analyzer Procedures for Continuous Gaseous Emission Sampling; and
 - (B) VOC concentration shall be determined pursuant to SCAQMD Method 25.1 or 25.3 – Determination of VOC Emissions from Stationary Sources.

- (6) Gas composition shall be calculated according to the following methods:
 - (A) ASTM Method D-3588 – Standard Practice for Calculating Heat Value, Compressibility Factor, and Relative Density of Gaseous Fuels; and
 - (B) ASTM Method D-1945 – Standard Test Method for Analysis of Natural Gas by Gas Chromatography; or
 - (C) ASTM Method D-7833 – Standard Test Method for Determination of Hydrocarbons and Non-Hydrocarbon Gases in Gaseous Mixtures by Gas Chromatography.
- (7) All source tests shall be conducted by a contractor that is approved by the Executive Officer under the Laboratory Approval Program for the applicable test methods.
- (8) Records of source tests shall be maintained for five years or until the next source test is performed, whichever occurs later, and shall be made available to SCAQMD personnel upon request. The source test report(s) shall identify whether the source test was conducted pursuant to a SCAQMD approved protocol and clearly identify the model, serial numbers, application number, permit number, and origins of all gas or vapor combusted of the specific flare(s) tested. In the absence of a flare model and serial number, a detailed description of the flare or flare station and its location shall be included.
- (g) **Monitoring, Recordkeeping, and Reporting Requirements**
 - (1) The owner or operator of a flare or flare station required to comply with paragraph (d)(3); or is exempt pursuant to paragraph (h)(2), or paragraph (h)(3) monitoring pursuant to subparagraph (g)(4)(B) shall:
 - (A) Within 90 days, or within 180 days for a Publicly-Owned Facility, of January 4, 2019, install and operate a fuel meter for each gas or vapor, excluding pilot gas, routed to every flare or flare station, unless metering system is currently installed and approved in writing by the Executive Officer.
 - (B) Within 90 days, or within 180 days for a Publicly-Owned Facility, of January 4, 2019, each fuel meter required under subparagraph (g)(1)(A) that requires dependable electric power to operate shall be equipped with a permanent supply of electric power that cannot be unplugged, switched off, or reset except by the main power supply

circuit for the building and associated equipment or the flare's safety shut-off switch.

- (C) Ensure that the continuous electric power to a fuel meter required under subparagraph (g)(1)(A) and (g)(1)(B) may only be shut off for maintenance or safety.
 - (D) Within 90 days, or within 180 days for a Publicly-Owned Facility, of installation or January 4, 2019, whichever is later, ensure that each fuel meter is calibrated, and again calibrate the fuel meter annually thereafter, based on the manufacturer's recommended procedures or an alternative calibration method approved in writing by the Executive Officer. If the fuel meter was calibrated within one year prior to January 4, 2019, the next calibration shall be conducted within the one year of anniversary date of the prior calibration.
- (2) Beginning January 4, 2019, or when the fuel meter is installed pursuant to subparagraph (g)(1)(A), whichever is later, the owner or operator of a flare or flare station required to comply with paragraph (d)(3) shall determine the percent capacity of the flare or flare station and maintain records documenting the percent capacity determinations as follows:
- (A) Total annual throughput in units of MMscf/year and/or total annual heat input in units of MMBtu/year shall be calculated by summing throughput and/or heat input of the gas at the end of each calendar year as follows:
 - (i) Monthly throughput shall be measured and recorded at least once per month by the fuel meter(s); and
 - (ii) If determining percent capacity in units of MMBtu/year, heat input of the flare gas shall be measured and recorded at least once per month pursuant to (f)(6) or may be calculated and recorded monthly by measuring the methane concentration of landfill or digester gas using a portable nondispersive infrared detector, or equivalent detector approved in writing by the Executive Officer, calibrated per manufacturer's specifications. Heat input measurements are not required for month(s) flare is not in use.

- (B) Capacity shall be determined using:
 - (i) Manufacturer designation, if known, otherwise the capacity shall be determined using permit conditions limiting throughput or heat input;
 - (ii) For flare stations, the combined total capacity of all the flares in the flare station.
- (C) Annual percent capacity shall be calculated at the end of each calendar year by one of the following metrics:

- (i) By volume:

$$\text{Percent Capacity}_{MMscf} = \frac{\text{Total Annual Throughput} \left(\frac{MMscf}{\text{year}} \right) / x}{\text{Capacity (MMscf/hour)}} \times 100\%$$

- (ii) By heat input:

$$\text{Percent Capacity}_{MMBtu} = \frac{\text{Total Annual Heat Input} \left(\frac{MMBtu}{\text{year}} \right) / x}{\text{Capacity (MMBtu/hour)}} \times 100\%$$

x = the time period in hours/year that records are required to be maintained and recorded.

- (D) For an owner or operator of the flare or flare station that fails to measure or record the monthly throughput or heat input value in compliance with the provisions above, the percent capacity shall be presumed to be one-hundred percent (100%) for the months without records.
- (3) The owner or operator of a flare or flare station that is exempt pursuant to paragraph (h)(2) shall monitor and maintain NOx emission records as follows:
 - (A) NOx emissions shall be determined based on the most recently approved source test conducted pursuant to a SCAQMD approved source test protocol;
 - (B) Monthly gas throughput shall be measured and recorded at least once per month by the fuel meter(s);

- (C) Heat input of the flare gas shall be measured and recorded at least monthly:
 - (i) Pursuant to paragraph (f)(6); or
 - (ii) Calculated and recorded monthly by measuring the methane concentration of landfill or digester gas using a portable nondispersive infrared detector, or equivalent detector, calibrated per manufacturer’s specifications; or
 - (iii) Estimated using the applicable Table 5 – Default Heating Value.

Table 5 – Default Heating Value

| Flare Gas | Default Heating Value (Btu/scf) |
|--------------|------------------------------------|
| Digester gas | 600 |
| Landfill gas | 500 |
| Produced gas | 1,000 |

- (D) NOx emissions shall be calculated as follows:

$$\text{Monthly pounds of NOx Emitted} = \frac{\text{pounds NOx}}{\text{MMBtu}} \times \frac{\text{MMscf}}{\text{month}} \times \frac{\text{Btu}}{\text{scf}}$$

- (4) The owner or operator of a flare or flare station that is exempt pursuant to paragraph (h)(3) shall monitor and maintain hours of operation records of a flare or flare station as follows:
 - (A) For the 200 hours per year validation, using a calibrated non-resettable totalizing time meter or equivalent method approved in writing by the Executive Officer; or
 - (B) For the annual throughput limit equivalent to 200 hours per year validation, using a calibrated fuel meter or equivalent method approved in writing by the Executive Officer.
- (5) The owner or operator of a flare or flare station subject to this rule shall:
 - (A) Maintain records of annual throughput attributed to source testing and utility pipeline curtailment for a flare or flare station complying pursuant to subparagraph (d)(1)(B).

- (B) Maintain a copy of the manufacturer's, distributor's, installer's or maintenance company's written maintenance schedule and instructions.
 - (C) Provide the manufacturer's maintenance instructions, maintenance records, and the source test report(s) to the Executive Officer upon request.
 - (D) Retain all written or electronic records required by this rule for at least five years, which shall be made available no later than five business days from date requested.
- (h) Exemptions
- (1) The provisions of this rule shall not apply to owners or operators of a flare or flare station:
 - (A) At asphalt plants; biodiesel plants; hydrogen production plants fueled in part with refinery gas; petroleum refineries; sulfuric acid plants; and sulfur recovery plants;
 - (B) Routing only natural gas directly into the flare burner that are subject to SCAQMD Rule 1147 – NOx Reductions from Miscellaneous Sources NOx emission limits;
 - (C) Routing only propane or butane or a combination of propane and butane directly into the flare burner;
 - (D) At a landfill that collects less than 2,000 MMscf of landfill gas per calendar year and has either ceased accepting waste or is classified by the California Department of Resources Recycling and Recovery as an Inert Waste Disposal Site or an Asbestos Contaminated Waste Disposal Site;
 - (E) With Various Location Permit; or
 - (F) Combusting regeneration gas.
 - (2) An owner or operator of a flare or flare station subject to this rule that emits less than 30 pounds of NOx per month shall be exempt from the requirements in subdivision (d) provided:
 - (A) The flare or flare station has a permit that specifies conditions that limit the applicable NOx emissions; and
 - (B) The flare or flare station operates in compliance with the permit condition.

- (3) An owner or operator of a flare or flare station subject to this rule that operates 200 hours or less per calendar year, or with an annual throughput limit equivalent to 200 hours per year, shall be exempt from the requirements in subdivision (d) provided:
 - (A) The flare or flare station has a permit that specifies conditions that limits the operating hours or annual throughput; and
 - (B) The flare or flare station operates in compliance with the permit condition.
- (4) An owner or operator of a flare or flare station that is exempt pursuant paragraph (h)(2) or (h)(3), shall be subject to the requirements in subdivision (d) in the event the flare or flare station exceeds the applicable limitations in paragraphs (h)(2) or (h)(3).
- (5) An owner or operator of an open flare shall not be required to conduct source testing pursuant to subdivision (f).
- (6) Gas throughput combusted, NO_x emissions, and time accrued during source testing or operating the pilot light pursuant to subdivision (f) may be omitted from the calculation of percent capacity pursuant to subparagraph (g)(2), emissions pursuant to paragraph (h)(2), or hours or annual throughput pursuant to paragraph (h)(3).
- (7) Gas throughput combusted during source testing pursuant to subdivision (f), utility pipeline curtailment, or operating the pilot light may be omitted from the annual throughput limitation in subparagraph (d)(1)(B).