

BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT

RULE 266 - REPORTING PROCEDURES FOR EXCESS EMISSIONS

(Adopted February 15, 1996; Recodified August 22, 2002)

1 REPORTING PROCEDURES FOR EXCESS EMISSIONS: Emissions exceeding any of the limits established in these Rules or the level of emissions for which a permit or variance was granted, shall be immediately reported to the Air Pollution Control Officer (APCO) in accordance with the following procedures:

1.1 The emission source operator shall notify the APCO within two (2) hours of the discovery of any emission exceedance or breakdown condition and shall provide information on the time, duration, cause, and extent of any excess emission. Upon the request of the APCO, a full, written report of each occurrence, including a statement of all known causes and the nature of the actions to be taken pursuant to the requirements of this Rule, shall be submitted to the DISTRICT.

1.2 Corrective action shall be taken immediately by the operator of the emission source to correct the conditions causing excess emissions and to reduce the frequency of the occurrence of such conditions. In no event shall equipment be operated in a manner that creates excessive emissions beyond the end of the work shift or twenty-four hours, whichever occurs first.

1.3 An emergency shall only constitute an affirmative defense to any action brought for non-compliance with technology-based emission limits if:

1.3.1 The emission source operator can identify the cause(s) of the emergency,

1.3.2 The permitted facility was at the time being properly operated,

1.3.3 During the period of the emergency, the emission source operator took all reasonable steps to minimize levels of excess emission, and

1.4.3 The emission source operator submitted notice of the emergency to the APCO in accordance with the requirements of this Rule.

For the purposes of this Rule, emergency shall be as defined in Title 40 of the Code of Federal Regulations, Part 70, Section 70.6(g); i.e., "any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency."

1.4 An excess emission occurrence may not avoid enforcement action by the APCO or the United States Environmental Protection Agency (EPA) if the

occurrence is caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

- 1.5** Nothing expressed in this Rule shall be construed to limit enforcement authorities under the Federal Clean Air Act.
- 1.6** Notwithstanding any provision of this Rule, application of this Rule to any source shall not be construed in part or in whole as exempting the source from full compliance with all other State, federal, and DISTRICT Rules and Regulations.