

LASSEN COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 4:22 EQUIPMENT BREAKDOWN

ADOPTED 10/01/1971, RENUMBERED/AMENDED 01/11/2011

1. Breakdown Conditions. For the purpose of this rule, a breakdown condition means an unforeseeable failure or malfunction of any air pollution control equipment or related operating equipment which causes a violation of any emission limitation or restriction prescribed by these rules and regulations, or by State law, or similar failure of any required instack continuous monitoring equipment where such failure of malfunction.

1.1 is not the result of neglect or disregard of any air pollution control law, rule or regulation;

1.2 is not intentional or the result of negligence

1.3 is not the result of improper maintenance;

1.4 does not constitute a nuisance

1.5 is not a recurrent breakdown of the same equipment.

2. Breakdown Procedures.

2.1 Any breakdown condition meeting the qualifications of this rule shall constitute a violation of any applicable emission limitation or restriction prescribed by these rules and regulations: however, the Control Officer may elect to take no enforcement action if the owner or operator demonstrates to his satisfaction that a breakdown condition exists and the following requirements are met:

2.1.1 The breakdown is reported to the District Office as soon as reasonably possible, but no later than one (1) hour after its detection during a regular business day (8AM - 5PM), or one (1) hour after the start of the next regular business day, whichever is sooner.

2.1.2 The owner or operator take immediate steps to minimize the impact of the breakdown and regain compliance.

2.1.3 The breakdown does not interfere with the attainment or maintenance of any national ambient air quality standard.

2.2 The breakdown shall be logged, investigated and handled to its final disposition in accordance with uniform District procedures.

2.3 Upon receipt of notification of a breakdown condition, the Control Officer shall promptly investigate and determine whether the occurrence constitutes a breakdown condition. If it is

not a breakdown condition, he may take appropriate enforcement action including, but not limited to, seeking fines, an abatement order, or an injunction against further operation.

3. Reporting Requirements. Within ten (10) days after a breakdown occurrence has been corrected, the owner or operator shall submit in written report to the Control Officer including, but not limited to the following details:

3.1 Duration of excessive emissions.

3.2 Estimate of quantity of emissions.

3.3 Statement of the cause of the occurrence.

3.4 Corrective measures to be taken to prevent a reoccurrence. Documentation of the breakdown condition may be required by the Control Officer.

4. Burden of Proof. The burden shall be on the owner or operator or the source to provide sufficient information to demonstrate that a breakdown did occur. If the owner or operator fails to provide sufficient information, the Control Officer shall undertake appropriate enforcement action.

5. Failure to Comply with Reporting Requirements. Any failure to comply, or comply in a timely manner, with the reporting requirements established in subparagraphs b (1)a and c (1) through c (4) of this rule shall constitute a separate violation of this rule.

6. False Claiming of Breakdown Occurrence. It shall constitute a separate violation of this rule for any person to file with the Control Officer a report which falsely, or without probable cause, claims that an occurrence is a breakdown occurrence.

7. Extended Breakdown Provisions. For any occurrence which causes a breakdown condition meeting the requirements of this rule and which may persist for longer than twenty-four (24) hours (ninety six hours for monitoring equipment), the owner or operator may, in lieu of shutdown, obtain an emergency variance.