

**RULE 430. BREAKDOWN PROVISIONS**

(a) Applicability

This rule applies to any breakdown which results in a violation of any rule or permit condition not specified in subparagraph (b)(3)(B). Malfunctions of continuous emissions monitoring system (CEMS), continuous fuel gas monitoring system (CFGMS), or other equivalent monitoring system, subject to Rules 218, 431.1, and 1135 shall not be considered as a breakdown for the purpose of this rule.

(b) Requirements

(1) A person shall report by telephone or other District-approved method, any breakdown which results in a violation of any rule or permit condition not specified in subparagraph (b)(3)(B) to the Executive Officer within one hour of such breakdown or within one hour of the time said person knew or reasonably should have known of its occurrence. Such report shall identify the time, specific location, equipment involved, responsible party to contact for further information, and to the extent known, the causes of the breakdown, and the estimated time for repairs. In the case of emergencies that prevent a person from reporting all required information within the one-hour limit, the Executive Officer may extend the time for the reporting of required information provided such person has notified the Executive Officer of the breakdown within the one-hour limit.

(2) Within seven calendar days after a reported breakdown has been corrected, but no later than thirty calendar days from the initial date of the breakdown, unless an extension has been approved in writing by the Executive Officer, the owner or operator shall submit a written Breakdown Emissions Report to the Executive Officer which includes:

- (A) an identification of the equipment involved in causing, or suspected of having caused, or having been affected by the breakdown;
- (B) the duration of the breakdown;
- (C) the date of correction and information demonstrating that compliance is achieved;

- (D) an identification of the types of emissions, if any, resulting from the breakdown;
  - (E) a quantification of the excess emissions, if any, resulting from the breakdown and the basis used to quantify the emissions;
  - (F) information substantiating that the breakdown did not result from operator error, neglect or improper operation or maintenance procedures;
  - (G) information substantiating that steps were immediately taken to correct the condition causing the breakdown, and to minimize the emissions, if any, resulting from the breakdown;
  - (H) a description of the corrective measures undertaken and/or to be undertaken to avoid such a breakdown in the future; and
  - (I) pictures of the equipment which failed, if available.
- (3) Compliance During Breakdown
- (A) Any rule or permit condition not specified in subparagraph (b)(3)(B) shall be inapplicable to a violation directly caused by a breakdown, provided that all of the following criteria are met:
    - (i) the owner or operator meets the reporting requirements specified in paragraph (b)(1) and (b)(2);
    - (ii) the breakdown did not result from operator error, neglect, or improper operation or maintenance procedures;
    - (iii) steps are immediately taken to correct conditions leading to the breakdown, and emissions caused by the breakdown are mitigated to the maximum extent feasible; and
    - (iv) the equipment in violation is shut down by the end of an operating cycle, or within twenty-four hours from the time the owner or operator knew or reasonably should have known of the breakdown, whichever is sooner.

For the purpose of this rule, an operating cycle means a period of time within which a round of regularly recurring events is completed, and cannot be stopped without the risk of endangering public safety or health, causing material damage to the equipment or product, or cannot be stopped due to technical constraints. Economic reasons alone will not be sufficient to extend this time period. The operating cycle includes batch processes that may start

and finish several times within a twenty-four hour period, in which case each start to finish interval is considered a complete cycle.

- (B) Subparagraph (b)(3)(A) shall not apply to the following District Regulations, Rules and permit conditions:
  - (i) Regulations I, IX, X, XIV, XVII, XX, XXX, and XXXI;
  - (ii) Rules 218, and 402;
  - (iii) any permit condition which implements any Rule or Regulation specified in clause (i) or (ii).
  
- (c) If a violation of any rule or permit condition not specified in subparagraph (b)(3)(B) is likely or suspected as a result of a reported breakdown, the Executive Officer will promptly investigate and determine whether the occurrence constitutes a breakdown in accordance with the criteria set forth in subparagraph (b)(3)(A) of this rule. If the Executive Officer determines that the occurrence did not constitute a breakdown, no relief shall be granted under subparagraph (b)(3)(A).
  
- (d) Equipment may be operated beyond the time limit in clause (b)(3)(A)(iv), provided that a petition for an emergency variance has been filed with the Clerk of the Hearing Board in accordance with Regulation V. In the event that the breakdown occurs or the time limit in clause (b)(3)(A)(iv) ends outside of the normal District working hours, the intent to file for an emergency variance shall be transmitted to the District in the manner and form prescribed by the Executive Officer.