

## SHASTA COUNTY AIR QUALITY MANAGEMENT DISTRICT

### **RULE 3:10 – EXCESS EMISSIONS**

*(Amended 1/3/84, 12/5/95, and 6/7/05)*

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):

- a. For scheduled maintenance of a permitted emission source, notice shall be provided to the APCO at least twenty-four (24) hours prior to shutdown, whether or not an emission exceedance is expected.
- b. The emission source operator shall notify the APCO within four (4) hours of the occurrence of any excess emission and provide information on the time, specific location, equipment involved, duration, cause, and extent of the excess emission. Upon the request of the APCO, a full, written report of each occurrence, including a statement of all known causes, an estimate of the excess emissions caused by the occurrence, and the nature of the actions to be taken pursuant to the requirements of this Rule shall be submitted to the District within two weeks of the request.
- c. Corrective action shall be taken immediately by the operator of the emission source to correct the conditions causing excessive emissions 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 (except for continuous monitoring equipment, for which the period shall be ninety-six hours). Additionally, the breakdown will not qualify as an emergency if the resultant emissions interfere with the attainment and maintenance of any National Ambient Air Quality Standards.
- d. An emergency constitutes an affirmative defense to any action brought for non-compliance with technology-based emission limits if:
  - 1) The emission source operator can identify the cause(s) of the emergency;
  - 2) The permitted facility was, at the time, being properly operated;
  - 3) During the period of the emergency, the emission source operator took all reasonable steps to minimize levels of excess emission; and
  - 4) 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."

For non-federally enforceable rules and permit conditions, an emergency breakdown condition means an unforeseeable failure or malfunction of:

- 1) Any air pollution or related operating equipment which causes a violation of any emission limitation or restriction prescribed by these rules and regulations or by California State law; or
  - 2) Any continuous monitoring equipment which:
    - A. is not the result of neglect or disregard of any air pollution control law or rule or regulation,
    - B. is not intentional or the result of negligence,
    - C. is not the result of improper maintenance,
    - D. does not constitute a nuisance, or
    - E. is not a recurrent breakdown of the same equipment.
- e. An excess emission occurrence may not avoid enforcement action by the APCO or the Environmental Protection Agency (EPA) if the occurrence is caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
- f. Nothing expressed in this Rule shall be construed to limit enforcement authorities under the Federal Clean Air Act.
- g. Excess emissions during startup and shutdown shall be considered a violation (except as allowed by Title 40 of the *Code of Federal Regulations*, Part 60, Section 60.8(c)) if the owner or operator cannot demonstrate that the excess emissions are unavoidable when requested to do so by the APCO or EPA. The APCO may specify in the permit for a particular source the amount, time, duration, and under what circumstances excess emissions are allowed during startup or shutdown. The owner or operator shall, to the extent practicable, operate the emission source and any associated air pollution control equipment or monitoring equipment in a manner consistent with best practicable air pollution control practices to minimize emissions during startup and shutdown.
- h. The burden shall be on the owner of the source to provide sufficient information to demonstrate that a breakdown did occur. If the owner or operator fails to provide sufficient information, the APCO shall undertake appropriate enforcement action.
- i. Any failure to comply, or comply in a timely manner, with the reporting requirements established in this Rule shall constitute a separate violation of this Rule.
- j. It shall constitute a separate violation of this Rule for any person to file with the APCO a report which falsely, or without probable cause, claims that an occurrence is a breakdown occurrence.