

VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 32 - BREAKDOWN CONDITIONS; EMERGENCY VARIANCES

(Adopted 5/23/72, Revised 11/22/77, 11/21/78, 2/20/79)

A. Definition

For the purposes of this Rule, a breakdown condition means an unforeseeable failure or malfunction of 1) any air pollution control equipment which causes a violation of any emission limitation or restriction prescribed by these Rules and Regulations, or by State law, or 2) any in-stack continuous monitoring equipment, provided such failure or malfunction:

1. Is not the result of neglect or disregard of any air pollution control law or rule or regulation;
2. Is not the result of an intentional or negligent act or omission on the part of the owner or operator;
3. Is not the result of improper maintenance;
4. Does not constitute a nuisance as defined in these Regulations.

In the case of an Electric Public Utility, a breakdown condition shall exist only if, in addition to the foregoing, the breakdown results from:

5. Operational problems, limited to: unit startups, shutdowns, system frequency upsets and boiler fuel/air ratio upsets due to rapid load changes.
6. Fuel problems, limited to: fuel changes and unanticipated fuel oil or natural gas quality variations.

B. Breakdown Procedures

1. The owner or operator shall notify the Air Pollution Control District of any occurrence which constitutes a breakdown condition; such notification shall identify the time, specific location, equipment involved, and (to the extent known) the cause(s) of the occurrence, and shall be given as soon as reasonably possible, but no later than four (4) hours after its detection by such owner or operator, or his (their) agents or employees.
2. The District shall establish written procedures and guidelines, including appropriate forms for logging of initial reports, investigation, and enforcement follow-up, to ensure that all reported breakdown occurrences are handled uniformly to final disposition.

3. Upon receipt of notification pursuant to subparagraph B.1 the Air Pollution Control District shall promptly investigate and determine whether the occurrence constitutes a breakdown condition. If the Air Pollution Control District determines that the occurrence does not constitute a breakdown condition, the Air Pollution Control District may take appropriate enforcement action, including, but not limited to seeking fines, an abatement order, or an injunction against further operation.

C. Disposition of Breakdown Conditions

1. An occurrence which constitutes a breakdown condition, and which persists only until the end of the production run or 24 hours, whichever is sooner (except for continuous monitoring equipment, for which the period shall be ninety-six (96) hours), shall constitute a violation of any applicable emission limitation or restriction prescribed by these Rules and Regulations; however, the Air Pollution Control Officer may elect to take no enforcement action if the owner or operator demonstrates to the satisfaction of the Air Pollution Control District that a breakdown condition exists and the following requirements are met:
 - a. The owner or operator submits the notification required by subparagraph B.1; and
 - b. The owner or operator immediately undertakes appropriate corrective measures and comes into compliance, or elects to shut down for corrective measures before commencement of the next production run or within 24 hours, whichever is sooner (except for continuous monitoring equipment for which the period shall be ninety-six (96) hours).
2. An occurrence which constitutes a breakdown condition shall not persist longer than the end of the production run or 24 hours, whichever is sooner (except for continuous monitoring equipment, for which the period shall be ninety-six (96) hours), unless the owner or operator has requested an emergency variance.
3. If the breakdown condition will either require more than 24 hours to correct or persist longer than the end of the production run (except for continuous monitoring equipment, for which the period shall be ninety-six (96) hours), the owner or operator may, in lieu of shutdown, request the Air Pollution Control Hearing Board to grant an emergency variance as provided for in Regulation VII.

D. Reporting Requirements

Within one week after a breakdown occurrence has been corrected, the owner or operator shall submit a written report to the Air Pollution Control District which includes:

1. A statement that the occurrence has been corrected, together with the date of correction and proof of compliance;

2. A specific statement of the reason(s) or cause(s) for the occurrence sufficient to enable the Air Pollution Control District to determine whether the occurrence was a breakdown condition;
3. A description of the corrective measures undertaken and/or to be undertaken to avoid such an occurrence in the future (the Air Pollution Control District may, at the request of the owner or operator, for good cause, extend up to 30 days the deadline for submitting the description required by this subparagraph);
4. An estimate of the emissions caused by the occurrence; and
5. Pictures of the equipment or controls which failed, if available.

E. Burden of Proof

The burden shall be on the owner or operator 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 Air Pollution Control District shall undertake appropriate enforcement action.

F. 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 and D.1 through D.5 of this Rule shall constitute a separate violation of this Rule.

G. False Claiming of Breakdown Occurrence

It shall constitute a separate violation of this Rule for any person to file with the Air Pollution Control District a report which is willfully false, or claims without probable cause, that an occurrence is a breakdown occurrence.

H. Hearing Board Standards and Guidelines

The Hearing Board shall adopt standards and guidelines consistent with this Rule to assist the chairperson or other designated member(s) of the Hearing Board in determining whether to grant or deny an emergency variance, and to assist the Air Pollution Control District in the enforcement of this Rule.