

RULE 430

Breakdown Provisions

(A) Applicability

- (1) This rule applies to any Breakdown which results in a violation of any Rule, Regulation or permit condition not specified in subsection (A)(2) below.
- (2) This rule shall not apply to any of the following:
 - (a) Malfunctions of continuous emissions monitoring system (CEMS), continuous fuel gas monitoring system (CFGMS), or other equivalent monitoring system, subject to District Rules 218 □ *Stack Monitoring*, 431.1 □ *Sulfur Content of Gaseous Fuels*, and 1135 □ *Emissions of Oxides of Nitrogen from Electric Power Generation Systems*.
 - (b) Malfunctions causing violations of the provisions or any permit condition which implements any of the provisions of the following District Rules and Regulations:
 - (i) Regulation I - General Provisions.
 - (ii) Regulation IX - Standards of Performance for New Stationary Sources (NSPS).
 - (iii) Regulation X - National Emission Standards for Hazardous Air Pollutants (NESHAPS).
 - (iv) Regulation XIV - Toxics.
 - (v) Regulation XVII - Prevention of Significant Deterioration.
 - (vi) District Rule 218 - *Stack Monitoring*.
 - (vii) District Rule 402 - *Nuisance*.

(B) Definitions

- (1) For the purposes of this rule the following definitions shall apply:
 - (a) "Breakdown" - Any situation arising from sudden and reasonably unforeseeable events, including acts of god, beyond the control of the owner/operator of any equipment required to have a permit pursuant to District Rules 201, 203 or the provisions of Regulation XXX which:
 - (i) Requires immediate corrective action to restore normal operations; and

- (ii) Causes emissions to exceed a technology-based emission limitation due to unavoidable increases in emissions attributable to the situation; and
- (iii) Is not caused by improperly designed equipment, lack of preventive maintenance, careless operation, improper operation or operator error.

(C) Breakdown Provisions.

- (1) The APCO in his/her discretion, may refrain from enforcement action against an owner/operator of any equipment which has violated a technology-based emission limitation, including but not limited to conditions contained in any permit issued by the District establishing such emission limitation, provided that a Breakdown has occurred and:
 - (a) Any Breakdown which results in emissions exceeding a technology-based emission limitation is reported to the District within one hour of such Breakdown or within one hour of the time a person knew or reasonably should have known of the occurrence of such Breakdown; and
 - (b) An estimate of the repair time is provided to the District as soon as possible after the report of the Breakdown; and
 - (c) All reasonable steps are immediately taken to minimize the levels of emissions and to correct the condition leading to the excess emissions.
 - (d) The equipment is operated only until the end of a cycle or twenty-four (24) hours, whichever is sooner, at which time it shall be shut down for repairs unless a petition for an emergency variance has been filed with the Clerk of the Hearing Board in accordance with Regulation V.
 - (i) If the Breakdown occurs outside normal District working hours the intent to file an emergency variance shall be transmitted to the District in a form and manner prescribed by the Air Pollution Control Officer.

(D) Verification of Breakdown.

- (1) Any person who wishes to utilize the provisions of this Rule shall demonstrate the nature and extent of the Breakdown by providing to the District signed contemporaneous operating logs and/or other relevant evidence which shows that:
 - (a) The Breakdown occurred and that the person can identify the cause of the Breakdown; and
 - (b) The equipment was, at the time of the Breakdown, being properly operated; and

(c) During the period of the Breakdown the person took all reasonable steps to minimize levels of emissions and to correct the condition that lead to the Breakdown.

(2) Such relevant evidence shall be submitted to the District within sixty (60) days of the date the Breakdown was reported to the District.

(E) Limitations.

(1) In any enforcement proceeding, the person seeking to establish the occurrence of a Breakdown has the burden of proof.

[SIP: See AV Full SIP Table at <https://avaqmd.ca.gov/rules-plans>]

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