

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: Submitted as amended 3/17/98 on _____; Submitted as amended 6/12/96 on 10/18/96; Disapproved 1/16/81, 46 FR 3883, 40 CFR 52.271(a)(13)(i) and 40 CFR 52.271(a)(28)(1); Disapproved 1/24/78, 43 FR 3275, 40 CFR 52.220(c)(37)(i)(B), 40 CFR 52.220(c)(39) (iv)(A), 40 CFR 52.271(a)(13)(i) and 40 CFR 52.271(a)(28)(1)]

This Page Intentionally Left Blank.