

(Adopted: 12/7/95; Readopted by Statute: 07/01/97;
Amended: 8/19/97; Readopted by Statute: 01/01/02;
Amended: 5/17/05)

RULE 118 Emergencies

(A) Purpose

The purpose of this rule is to give the Air Pollution Control Officer (APCO) the ability to suspend certain District rules, regulations or orders during a state or federally declared State of Emergency.

(B) Applicability

This rule applies to the operation of any facility, piece of equipment or process within the jurisdiction of the Antelope Valley Air Quality Management District which of necessity must be operated or performed to protect health or safety during a State of Emergency or to facilitate the remediation of an officially declared state or federal State of Emergency or State of War Emergency. Such necessity includes, but is not limited to, rescue efforts, efforts to protect public health or safety, clean-up, repair work or emergency power generation.

(C) Definitions

For the purposes of this rule, the following definitions shall apply:

- (1) Emergency - Any sudden, unexpected occurrence involving a clear and imminent danger, demanding immediate action to prevent or mitigate the loss of, or damage to, life, health, property, or essential public services.
- (2) Order - Any written command or prescribed procedure issued by the APCO or designee or the Hearing Board of the Antelope Valley Air Quality Management District.
- (3) Rules Or Regulations - Any District-mandated requirements that include, but are not limited to, permitting, emission limits, operation limits, or policies.
- (4) State Of Emergency - The condition when an emergency exists and is so declared by the Governor or federal government and includes instances of fire, epidemic, flood, earthquake or other soil or geologic movements, as well as such occurrences as civil unrest, accident, or sabotage.

- (5) State Of War Emergency - The condition which exists immediately with or without a proclamation thereof by the Governor or the President of the United States, whenever this nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent.
- (6) Suspension - A temporary relief or exemption granted by the APCO from all or part of a District rule, regulation or order.

(D) Air Pollution Control Officer Authority

- 1) During a State of Emergency or State of War Emergency as declared by the Governor or federal government, the APCO may suspend all or part of any District order, rule or regulation after determining and declaring that strict compliance with such order, rule or regulation would delay critical actions necessary for rescue, to protect public health or safety, clean-up, repair work or emergency power generation. The suspension may be designated by rule, geographic area, type of equipment or other means set forth by the APCO.
- (2) The suspension granted by the APCO shall apply only to equipment used for the protection of public health and safety and shall apply to a period no longer than ten (10) calendar days from the date of issuance. The ten-day suspension may be extended by the APCO for further ten (10) day intervals, on or after the tenth (10th) day of the initial suspension and each additional suspension period, as deemed necessary in order to protect public health and safety.
- (3) All powers of suspension exercised by the APCO as a result of the declared State of Emergency shall terminate no later than the time the emergency is proclaimed to be over by the state or federal government. Rules, regulations or orders previously suspended shall at that time be considered in full force again.

(E) Other Requirements

- (1) Any individual seeking an exemption for a specific piece of equipment or process beyond the time granted by the APCO may do so pursuant to District Regulation V - Hearing Board Procedures.

[SIP: Notice of Proposed Rule Making, Disapproval 3/31/00, 65 FR 17229]