

RULE 505. BREAKDOWN CONDITIONS. (Adopted 8/14/1978, readopted 10/23/1978)

A. Definition

For the purpose of this Rule, a breakdown condition means an unforeseeable failure or malfunction of 1) any air pollution control equipment or related operating equipment which causes a violation of an 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 Section 41700 of the Health and Safety Code;
5. Is not a recurrent breakdown of the same equipment.

B. Breakdown Procedures

1. The owner or operator shall notify the 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, after its detection by such owner or operator, or his agents or employees, but in any case not later than four (4) hours after the start of the next regular business day.
2. The District shall establish written procedures and guidelines, including appropriate forms and 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 District shall promptly investigate and determine whether the occurrence constitutes a breakdown condition. If the District determines that the occurrence does not constitute a breakdown condition, the 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 Short-Term 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 the applicable emission limitation or restriction of these Rules and Regulations; however, the Control Officer may elect to take no enforcement action if the owner or operator demonstrates to his satisfaction 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). If the owner or operator elects to shut down rather than come into immediate compliance, he must nonetheless take whatever steps are possible to minimize the impact of the breakdown within the 24-hour period.
 - c. The breakdown does not interfere with the attainment and maintenance of any national (primary) ambient air quality standard.
2. An occurrence which constitutes a short-term 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 obtained an emergency variance.

D. Reporting Requirements

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

- 1. A statement that the breakdown condition has been corrected, together with the date of correction and proof or demonstration of compliance;
- 2. A specific statement of the reasons or causes for the occurrence;
- 3. A description of the corrective measures undertaken and/or to be undertaken to avoid such an occurrence in the future. The Control Officer may, at the request of the owner or operator, for good cause, extend up to thirty (30) days the deadline for submitting the description required by this subparagraph;
- 4. An estimate of the amount of 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 District shall undertake appropriate enforcement action.

F. Failure to Comply with Reporting Requirements

Any failure to comply 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 District a report which is willfully false, or claims without probable cause, that an occurrence is a breakdown occurrence.

Breakdown Reporting Information Form

THIS SHEET IS INFORMATIONAL ONLY AND IS NOT
A SUBSTANTIVE PART OF THESE RULES AND REGULATIONS.

The following is a Breakdown Reporting Form for use by permit holders. It summarizes and outlines the information necessary when telephone reporting a breakdown to the APCD as required by Rule 505.B, and should be distributed to personnel of permit holders responsible for reporting breakdowns:

1. Company Name
2. Date
3. Location
4. Reported by (Person's Name) and Phone Number
5. Time Reported
6. Time of Equipment Failure or Occurrence
7. Time Corrected or Expected Time of Correction
8. Equipment Identification (Name and Number)
9. Reason for Failure
10. Monitor/Alarm

Reminder: Make certain that the telephone report is followed up with a written report of breakdown (as required by Rule 505.D). For your convenience, you may submit the written report on form ENF-24, available from APCD offices. If you would like to obtain a copy of this form please contact the APCD Regulatory Compliance Division.

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