

RULE 1100 EQUIPMENT BREAKDOWN (Adopted June 18, 1992, Amended December 17, 1992)

1.0 Purpose

This rule defines a breakdown condition and the procedures to follow if one occurs. The corrective action, the issuance of an emergency variance, and the reporting requirements are also specified.

2.0 Applicability

This rule shall apply to any owner or operator of any source operation with any air pollution control equipment or related operating equipment which controls air emissions or any continuous monitoring equipment.

3.0 Definitions

3.1 Breakdown Condition: an unforeseeable failure or malfunction of any air pollution control equipment, or related operating equipment, which causes a violation of any emission limitation or restriction prescribed by these Rules and Regulations, or by State Law; or any in-stack continuous monitoring equipment, where such failure or malfunction:

3.1.1 Is not the result of neglect or disregard of any air pollution control law, rule or regulation; and

3.1.2 Is not intentional or the result of negligence; and

3.1.3 Is not the result of improper maintenance; and

3.1.4 Does not constitute a nuisance; and

3.1.5 Is not a recurrent breakdown of the same equipment.

4.0 Criteria for Determining a Breakdown Condition

4.1 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 96 hours), shall constitute a violation of any applicable emission limitation or restriction prescribed by these Rules and Regulations. However, the APCO may take no enforcement action if the owner or operator demonstrates to the APCO's satisfaction that a breakdown condition exists and the following requirements are met:

- 4.1.1 The owner or operator submits the notification required by Section 6.1 of this rule;
- 4.1.2 The owner or operator immediately undertakes appropriate corrective measures and comes into compliance; and
- 4.1.3 The APCO determines that the attainment or maintenance of ambient air quality standards will not be endangered.

## 5.0 Emergency Variance

- 5.1 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 96 hours), unless the owner or operator has obtained an emergency variance.
- 5.2 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 96 hours), the owner or operator may, in lieu of shutting down, request the APCO to commence the emergency variance procedure set forth in Rule 5200 (Emergency Variance).

## 6.0 Breakdown Procedures

- 6.1 The owner or operator shall notify the APCO 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. Such notification shall be given as soon as reasonably possible, but no later than one (1) hour after its detection, unless the owner or operator demonstrates to the APCO's satisfaction that the longer reporting period was necessary.
- 6.2 The APCO shall establish written procedures and guidelines, including appropriate forms for logging of initial reports, investigations, and enforcement follow-up, to ensure that all reported breakdown occurrences are handled uniformly to final disposition.
- 6.3 Upon receipt of notification pursuant to Section 6.1 the APCO shall promptly investigate and determine whether the occurrence constitutes a breakdown condition. If the APCO determines that the occurrence does not constitute a breakdown condition, the APCO may take appropriate enforcement action, including, but not limited to seeking fines, an abatement order, or an injunction against further operation.

## 7.0 Reporting Requirements

Within ten (10) days after a breakdown condition has been corrected, the owner or operator shall submit a written report to the APCO which includes:

- 7.1 A statement that the breakdown condition has been corrected, together with the date of correction and proof of compliance;
- 7.2 A specific statement of the reason(s) or cause(s) for the occurrence sufficient to enable the APCO to determine whether the occurrence was a breakdown condition;
- 7.3 A description of the corrective measures undertaken and/or to be undertaken to avoid such an occurrence in the future. (The APCO 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 section);
- 7.4 An estimate of the emissions caused by the breakdown condition ; and
- 7.5 Pictures of the equipment or controls which failed, if available.

## 8.0 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 APCO shall undertake appropriate enforcement action.

## 9.0 Failure to Comply with Reporting Requirements

Any failure to comply, or comply in a timely manner, with the reporting requirements established in Sections 6.1, and 7.1 through 7.5 of this rule shall constitute a separate violation of this rule.

## 10.0 False Claiming of Breakdown Occurrence

It shall constitute a separate violation of this rule for any person to file with the APCO a report which falsely, or without probable cause, claims that an occurrence is a breakdown occurrence.

## 11.0 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 any emergency variance, and to assist the in the enforcement of this rule.

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