

Thomas J. Christofk, Air Pollution Control Officer

NON-COMPLIANCE EVENT REPORTING ADVISORY NOTICE

To: Stationary Sources in Placer County Air Pollution Control District

From: Todd K. Nishikawa, Compliance & Enforcement Manager

Date: July 20, 2005

Subject: Non-Compliance Event Notification Reporting

Recently, the District has identified a number of problems with the reporting to the District of non-compliance matters.

This notice applies primarily to sources which are required to make frequent reports to the District because they: (1) have the desire to continue operating for a short time after system upset or breakdowns, while repairs are being made; (2) are under the Title V program and thus are required to promptly report all deviations from permit conditions; and/or (3) use continuous emissions monitoring systems (CEMS) or continuous monitoring systems (CMS). This notice does not generally apply to sources that are shutdown when any operating condition is not in compliance (i.e., they do not operate unless all required operating conditions are being met).

In order to provide permitted facilities with an enhanced understanding of what is required and to improve the adequacy of reporting in the future the District has prepared three documents for your information and use:

- 1. <u>Non-Compliance Event Notification Form:</u> The enclosed "Non-Compliance Event Notification Form" and "Upset/Breakdown and Emergency Checklist" are to be used in place of the Upset/Breakdown & Exceedance Notification Forms previously used.
- Non-Compliance Event Requirements: The enclosed "Overview of Non-Compliance Event Reporting Requirements" is a summary of air pollution reporting requirements for deviations, and includes a discussion of malfunction reporting, and a discussion of excess emissions during unit startup and shutdown.

3. Startup, Shutdown and Malfunction Events: The enclosed "Excess Emissions During Startup, Shutdown, and Malfunction Events" is a summation of U.S. EPA policy with regard to startup, shutdown, and malfunctions, as well as a discussion of local, state, and federal considerations with respect to opacity exceedances during startup or shutdown.

Timely notification to the District is required for the following "Non-Compliance" events:

- Emissions Exceedances. All facilities must report all Emission Exceedances -- when emissions levels exceed allowable limits -- under HSC §42303 and District Rule 501.407. Reporting is to be done using procedures and time-deadlines required for upset / breakdowns under District Rule 404, described below in the next item. This reporting fulfills HSC §42706 and District Rule 501.304.2(b), requiring that all emissions exceedances detected with CEMS be reported within 96 hours.
- Upset / Breakdowns. Non-compliance with any permit condition, or CEMS failure, that is the result of an upset / breakdown event -- an unforeseeable failure or malfunction of process or air pollution control equipment -- must be reported to the District within 2 hours. Within 7 days following the event, a follow-up report must be submitted to the District that describes the event and corrective and preventative actions taken to prevent future breakdowns. See District Rule 404.
- <u>Title V Deviation and Emergency Reporting.</u> Title V facilities are required to "promptly" report all "deviations" occurring when <u>any</u> permit term is not met, including terms that establish emission limitations, emissions standards, control equipment requirements, works practices, and parameter ranges, and those designed to assure compliance with such requirements, such as monitoring, recordkeeping, and reporting. The District is requiring deviation reports to be submitted on the same schedule as upset / breakdown reporting discussed above. See District Rule 507.402.2(g)(1)&(3). The District is requesting that emergencies be reported using the same procedures. See District Rule 507.402.2(l).

The District has prepared a reporting form for Non-Compliance events. The "Non-Compliance Event Notification" form is provided with this letter with instructions. The District has also can provide this form electronically as an Adobe Acrobat PDF file. In addition, a version of the form that may be completed electronically using MS Word has been prepared. I would be happy to email these forms and the instructions to you; please send a request to me at tnishika@placer.ca.gov.

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If the Non-Compliance event form is used to request shielding from enforcement action as an upset / breakdown event under District Rule 404, an additional "Upset / Breakdown Checklist" form must be completed and submitted with Part I of the notification form.

To be considered valid, the notification form must be submitted on time – Part I must be received by the District within 2 business hours of the detection of the Non-Compliance event; and Part II received within 7 days after the end of the Non-Compliance event.

To be considered complete, the form must contain all requested information. This includes a complete and thorough discussion of: (1) cause of the non-compliance event; (2) immediate corrective action taken to minimize emissions; and (3) preventative and corrective actions taken to minimize the chance for future similar Non-Compliance events. The District encourages the attachment of all relevant information required to describe the circumstances of the Non-Compliance event and actions taken to prevent future similar events.

Non-Compliance events occurring during system startup and shutdown must be reported to the District.

For further details on Non-Compliance Reporting Requirements see the attached papers prepared by the District titled "Overview of Non-Compliance Reporting Requirements" and "Excess Emissions During Startup, Shutdown, and Malfunction Events".

District Staff would be happy to meet with you to clarify any questions that you may have, or you may contact me, Todd Nishikawa, at **530-889-7135**.

Enclosures: Non-Compliance Event Notification Form and Upset/Breakdown and Emergency Checklist (and Instructions)

Overview of Non-Compliance Event Reporting Requirements

Excess Emissions During Startup, Shutdown, and Malfunction