apcd
County of San Diego

R. J. Sommerville
Air Pollution Control Officer

February 5, 1991

TO: Rules 97 and 98 (Breakdown Conditions: Emergency Variances) Workshop Participants

FROM: Richard J. Smith
Deputy Director

RULES 97 AND 98 FINAL RULES AND WORKSHOP REPORT

Attached are the final changes to Rules 97 and 98 (Breakdown Conditions: Emergency Variances) and the workshop report. The rule changes will likely be scheduled for adoption by the Air Pollution Control Board in April, 1991.

If you have any questions or comments on the final proposal, please call Teresa Morris at (619) 694-3342 or me at (619) 694-3303.

Richard J. Smith

RICHARD J. SMITH
Deputy Director

attachments

RJSm:rjsm

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RULE 97 - EMERGENCY VARIANCE AND
RULE 98 - BREAKDOWN CONDITIONS: EMERGENCY VARIANCE

WORKSHOP REPORT

A workshop notice was mailed to all District permit holders, all Economic Development Corporations, all Chambers of Commerce, the Environmental Protection Agency (EPA), the California Air Resources Board (ARB) and other interested parties.

The workshop held on November 7, 1990, was attended by 10 people. District responses to comments from the workshop are as follows:

WORKSHOP COMMENT

Why are these changes being proposed?

DISTRICT RESPONSE

The changes to Rule 97 will delete language referring to Rules 76, 77, and 78. These rules are no longer in effect. The changes to Rule 98(d)(2) reflect current procedures for handling Emergency Variances.

WORKSHOP COMMENT

What is being done now regarding Emergency Variance Hearings?

DISTRICT RESPONSE

Currently, the Clerk of the Hearing Board, not the District, handles the coordination and scheduling of Emergency Variance Hearings. Revisions to Rule 98 will require very minor revisions to the language in the Hearing Board Rules and Regulations. The District is working on that matter with the Clerk of the Board.

WORKSHOP COMMENT

What is happening with the revisions to the Hearing Board Procedures?

DISTRICT RESPONSE

These procedures are completely separate from the District Rules and Regulations and are under discussion and review by the Hearing Board members. Sources can submit their comments to the Clerk of the Hearing Board.

WORKSHOP COMMENTS

What happens to a source in a breakdown situation until the variance hearing can be scheduled?

DISTRICT RESPONSE

The District has the option of deferring enforcement action as determined on a case-by-case basis. If the variance is not granted, enforcement action may be taken.

WORKSHOP COMMENTS

What happens when the breakdown condition lasts less than 24 hours?

DISTRICT RESPONSE

The breakdown would be covered under the breakdown condition provisions in Rule 98(c).

WORKSHOP COMMENTS

The proposed revisions are not clear. It is suggested that the words "for a breakdown condition" be added to Rule 98(d), (d)(1), (d)(2), and (d)(3).

DISTRICT RESPONSE

Language will be added to clarify these subsections.

WORKSHOP COMMENTS

The last sentence in Subsection (d)(3) should be deleted as it refers to the original (d)(2) which has been deleted and replaced with a new subsection to which (d)(3) does not apply.

DISTRICT RESPONSE

The last sentence in Subsection (d)(2) has been deleted.

WORKSHOP COMMENTS

The reference to Hearing Board procedures should be added to District Rules and Regulations.

DISTRICT RESPONSE

The District does not believe it is necessary to include this reference.