

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION I – GENERAL PROVISIONS**

**RULE 130
EMERGENCY PROVISIONS**

INDEX

SECTION 100 – GENERAL

101 PURPOSE

SECTION 200 – DEFINITIONS

201 EMERGENCY

SECTION 300 – STANDARDS (NOT APPLICABLE)

SECTION 400 – ADMINISTRATIVE REQUIREMENTS

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

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**RULE 130
EMERGENCY PROVISIONS**

SECTION 100 – GENERAL

101 PURPOSE: To establish criteria and administrative requirements for emergencies.

SECTION 200 – DEFINITIONS: For the purpose of this rule, the following definition shall apply. See Rule 100 (General Provisions and Definitions) of these rules for definitions of terms that are used but not specifically defined in this rule.

201 EMERGENCY – Any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, that require immediate corrective action to restore normal operation, and that cause the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

SECTION 300 – STANDARDS (NOT APPLICABLE)

SECTION 400 – ADMINISTRATIVE REQUIREMENTS

401 An emergency constitutes an affirmative defense to an action brought for noncompliance with the technology-based emission limitations, if the conditions of Section 402 of this rule are met.

402 The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

402.1 An emergency occurred and the permittee can identify the cause or causes of the emergency;

402.2 At the time of the emergency, the permitted source was being properly operated;

402.3 During the period of the emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and

402.4 The permittee as soon as possible telephoned the Control Officer, giving notice of the emergency, and submitted notice of the emergency to the Control Officer by certified mail, facsimile, or hand delivery within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice shall contain a description of the emergency, any steps taken to mitigate emissions, and corrective action taken.

- 403** In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
- 404** The provisions of this rule are in addition to any emergency or upset provision contained in any applicable requirement.

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)