



Compliance and Enforcement Division
September 30, 2009
Compliance Advisory

This Advisory is provided to inform you about activities of the District that may affect your operation. It is intended to assist you in your effort to achieve and maintain compliance with applicable air pollution rules and regulations. This information supersedes all prior advisories.

ATTENTION: SOLID WASTE DISPOSAL FACILITIES

SUBJECT: LIMITED EXEMPTIONS PURSUANT TO REGULATION 8, RULE 34, SECTION 113: INSPECTION AND MAINTENANCE and REGULATION 8, RULE 34, SECTION 117: GAS COLLECTION SYSTEM COMPONENTS

The purpose of this advisory is to clarify the scope of the limited exemptions for inspection and maintenance, and gas collection system component repair provided for in Regulation 8, Rule 34, Sections 113 and 117, respectively. These limited exemptions provide for periods of control system non-continuous operation for inspection and maintenance activities, repair activities, and gas collection system expansions that will ensure long term reliability of all air pollution control system components.

Pursuant to the Inspection and Maintenance Section 113 exemption, a facility may shut down air pollution control equipment (i.e., flares or engines) to conduct inspection and maintenance provided emissions of raw landfill gas to the atmosphere during shutdown are minimized and records are maintained pursuant to Regulation 8, Rule 34, Section 501. A key issue in implanting this exemption has been the definition of "inspection and maintenance." "Inspection and maintenance" clearly includes activities scheduled well in advance. However, questions have been raised as to whether shutdowns effected in response to indicators of imminent equipment breakdown or malfunction may constitute "inspection [or] maintenance." "Maintenance" for the purposes of the Section 113 exemption, may include, but is not necessarily limited to, shutdowns for effecting repairs or preventive maintenance, or the replacement of control equipment or the addition of control equipment permitted under an authority to construct.

"Inspection," for purposes of the Section 113 exemption, may include, but is not necessarily limited to, shutdowns effected prior to any non-compliance based on performance monitoring or parametric indicators of the system or components (for example temperature or flow indicators) to conduct inspections. "Maintenance" includes actions taken as an immediate response to such parametric indicators predicting non-compliance. Reasonable maintenance time to effect repairs after such a shutdown also falls within the Section 113 exemption. Per Section 113, total facility-wide shutdown periods may not exceed 5 consecutive days and total shutdown time must not exceed 240 hours per calendar year

"Inspection and maintenance" does not include shutdowns effected after non-compliance commences. The intent of the Section 113 exemption is to encourage careful monitoring and advanced planning that prevents unexpected shutdowns leading to excess emissions. The intent of Section 113 is met if a facility reacts diligently and expeditiously to early indications of system failure and acts expeditiously to effect repairs so that excess emissions are avoided. A facility claiming the Section 113 exemption for inspection and maintenance due to anticipated

non-compliance should carefully document the parametric indicators predicting non-compliance. The District has the authority to disqualify a claim of a Section 113 exemption if records are insufficient or if the records do not demonstrate a diligent and expeditious response to collection or control equipment parametric indicators of impending non-compliance.

In situations where non-compliance may be caused by events that do not qualify for the Section 113 exemption, or unplanned electrical interruptions caused by a third party, a facility may request breakdown relief¹ if excessive emissions resulting from the breakdown of air pollution abatement equipment or operating equipment persist until the end of a production run or up to 24 hours, whichever is sooner. If the facility can show that appropriate corrective measures have been taken and that emissions are either in compliance or that the equipment has been shut down either before the next production run or within 24 hours, whichever is sooner, the APCO may choose not to take enforcement action.

In situations where non-compliance may be caused by a planned electrical interruption, a facility should either plan for an alternative, such as a temporary or portable electrical supply, or a facility may seek a variance. A variance is an administrative order granting temporary relief from the provisions of a District regulation, including permit conditions. A variance allows a facility to operate while it takes steps to come into compliance with the regulation in question. Applications for variances from air quality regulations are heard by the District's Hearing Board.

Facilities may qualify for the Gas Collection System Component Section 117 exemption provided that repairs to the gas collection system are being conducted to meet the requirements of the rule. No more than the lesser of five wells or 10% of the total number of wells may be shutdown at any time, except to prevent or extinguish fires. The shutdown is limited to 24 hours unless prior written approval from the Air District for a longer well shutdown time is received. Under no circumstances shall a gas collection well be disconnected from a vacuum source and control equipment for longer than 5 consecutive days.

If you have any further needs, please call the District at the following numbers.

-  For questions about this advisory contact the Linda Carey, Senior Air Quality Inspector at lcarey@baaqmd.gov or (415) 749-4979; or Carol Allen, Senior Air Quality Engineer at callen@baaqmd.gov or (415) 749-4702.
-  For a copy of the above listed rule, see <http://www.baaqmd.gov/Divisions/Planning-and-Research/Rules-and-Regulations.aspx>
-  For compliance assistance, call (415) 749-4999, the Compliance Counselor Hotline.

Kelly J. Wee
Director of Compliance and Enforcement
Bay Area Air Quality Management District

¹ Reference: District Regulation 1, Section 113 & Section 117.