

**R307. Environmental Quality, Air Quality.**

**R307-107. General Requirements: Breakdowns.**

**R307-107-1. Applicability and Timing.**

(1) The owner or operator of a source shall report breakdowns to the director within 24 hours of the incident via telephone, electronic mail, fax, or other similar method.

(2) A detailed written description of the circumstance of the incident as described in R307-107-2, including a corrective program directed at preventing future such incidents, shall be submitted within 14 days of the onset of the incident.

(3) For those breakdowns involving only emissions that are monitored in accordance with R307-170, the reporting requirements of R307-170 shall satisfy the reporting deadlines of R307-107-1(1) and (2). In all other respects, the requirements in R307-107-1(2) and R307-107-2 shall be considered to apply in addition to the requirements of R307-170.

**R307-107-2. Reporting.**

(1) The breakdown incident report shall include the cause and nature of the event, estimated quantity of emissions (total and excess), time of emissions and any relevant evidence, including, but not limited to, evidence that:

(a) There was an equipment malfunction beyond the reasonable control of the owner or operator;

(b) The excess emissions could not have been avoided by better operation, maintenance or improved design of the malfunctioning component;

(c) To the maximum extent practicable, the source maintained and operated the air pollution control equipment and process equipment in a manner consistent with good practice for minimizing emissions, including minimizing any bypass emissions;

(d) Any necessary repairs were made as quickly as practicable, using off-shift labor and overtime as needed and as possible;

(e) All practicable steps were taken to minimize the potential impact of the excess emissions on ambient air quality; and

(f) The excess emissions are not part of a recurring pattern that may have been caused by inadequate operation or maintenance, or inadequate design of the malfunctioning component.

(2) The burden of proof is on the owner or operator of the source to provide sufficient information to demonstrate the elements listed in R307-107-2(1).

**R307-107-3. Enforcement Discretion.**

The director will evaluate, on a case-by-case basis, the information submitted in R307-107-1 and 2 to determine whether to pursue enforcement action.

**KEY: air pollution, breakdowns, excess emissions**

**Date of Enactment or Last Substantive Amendment: July 31, 2012**

**Notice of Continuation: September 4, 2008**

**Authorizing, and Implemented or Interpreted Law: 19-2-104**

!--dar--