

RULE 108. VIOLATIONS AND DETERMINATION OF COMPLIANCE

Adopted: 03/08/95

A. GENERAL

1. Purpose

The purpose of this rule is to provide standards by which compliance with requirements derived from the federal Clean Air Act may be determined.

2. Applicability

The provisions of this rule shall provide standards for compliance determinations required by, or derived from, federal law for the operation of any article, machine, equipment, or other contrivance within the District which may cause the issuance of air contaminants, or the use of which may eliminate, reduce, or control the issuance of air contaminants.

3. Exemptions

Operations which are exempt from federal permit under Title V of the Clean Air Act Amendments of 1990 are exempt from this Rule.

4. Effective Dates

This Rule becomes effective on March 8, 1995.

5. References

The requirements of this Rule arise from the provisions of Sections 110(a)(2)(A),(C), and (F)(42 U.S.C. Sections 7401(a)(2)(A),(C), and (F): and Sections 113, 114(a)(3)(42 U.S.C. Sections 7413 and 7414(a)(3)) of the federal Clean Air Act.

B. DEFINITIONS

1. "Administrator" means the Administrator of the United States Environmental Protection Agency or delegate.

2. "District" means the Air Pollution Control District.

C. VIOLATIONS OF OTHER LEGAL MANDATES

Nothing in the District Regulations is intended to permit any practice which is a violation of any statute, ordinance, rule or regulation.

D. STANDARDS FOR DETERMINATION OF COMPLIANCE

1. Compliance Certification

Notwithstanding any other provision in any plan approved by the United States Environmental Protection Agency Administrator, for the purpose of submission of

compliance certification required by federal law, the owner or operator is not prohibited from using the following, in addition to any specified compliance methods:

- a. An enhanced monitoring protocol approved for the source pursuant to 40 CFR Part 64.
- b. Any other monitoring method approved for the source pursuant to 40 CFR 70.6(a)(3) and incorporated into a federally enforceable operating permit.

2. Credible Evidence

Notwithstanding any other provision in the District's State Implementation Plan approved by the Administrator, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any such plan.

- a. Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at a source:
 - i. An enhanced monitoring protocol approved for the source pursuant to 40 CFR Part 64.
 - ii. A monitoring method approved for the source pursuant to 40 CFR 70.6(a)(3) and incorporated into a federally enforceable operating permit.
 - iii. Compliance test methods specified in the District's State Implementation Plan.
- b. The following testing, monitoring, or information-gathering methods are presumptively credible testing, monitoring, or information-gathering methods:
 - i. Any federally-enforceable monitoring or testing methods, including those in 40 CFR Parts 51, 60, 61 and 75.
 - ii. Other testing, monitoring, or information gathering methods that produce information comparable to that produced by any method in D.2.a. or D.2.b.i herein.

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