

**SAN JOAQUIN VALLEY UNIFIED
AIR POLLUTION CONTROL DISTRICT
COMPLIANCE DEPARTMENT**

COM 1155

APPROVED: _____ **SIGNED** _____ **DATE:** **February 8, 2007**
 Jon Adams
 Director of Compliance

TITLE: ENFORCEMENT GUIDELINES FOR FAILING TO CONDUCT SOURCE TESTS

SUBJECT: ENFORCEMENT GUIDELINES FOR FAILING TO CONDUCT SOURCE TESTS

OBJECTIVE:

This policy is to provide direction to staff on how to handle situations where a source has not or will not conduct a source test as required by a permit condition or regulation.

PURPOSE:

Periodic source testing is an important tool for the District to verify sources are in compliance with emission limits. To insure testing is conducted, the District imposes strict deadlines, and takes appropriate enforcement action when the deadlines are not met.

POLICY STATEMENT:

This policy shall provide guidance to staff on how to decide whether enforcement action should be taken against a source that fails to source test. Although sources must comply with source test deadlines or face enforcement action, under certain circumstances described below, test deadlines may be delayed for equipment that is permitted as “dormant” and is not being operated.

A. For tests conducted subsequent to initial start-up testing (e.g. annual testing), the District’s “Source Test Guidelines” require that source tests must take place within a 60-day window no more than 30-days before or after the required date. When a source fails to conduct a source test, staff must first determine the cause of the missed test. Staff shall contact the source and determine the reason for missing the test. Necessary written documentation, including operating records, maintenance logs, sales contracts, and repair orders should be requested to verify the source’s claim.

1. If the equipment was operating normally at the time of the deadline, staff shall issue a NOV.

2. If the equipment was down or not capable of operating within the normal range of operations at the time of the deadline, and the source operator failed to contact the District and modify their permit to dormant status, staff shall issue a NOV.
 3. A source may request a variance for the above scenarios. The District may support the variance request in cases where the failure to source test in a timely manner is beyond the reasonable control of the source operator.
 4. In cases where very unusual circumstances prevent the source operator from testing in a timely manner, the inspector should discuss the issue with the regional compliance manager prior to issuing an NOV.
- B. There may be situations where a source informs the District they have an upcoming source test deadline that they won't meet. In this situation, staff shall determine the reason for missing the test.

Once the reason for failing to source test is established, check the following directives to determine the proper enforcement action:

1. If a non-seasonal source does all of the following, no NOV will be issued:
 - a) The equipment was shut down prior to the source test deadline due to an unforeseen circumstance such as mechanical breakdown, decreased product demand, lack of product to process or similar circumstances; and
 - b) Provides written documentation verifying the unforeseen circumstance; and
 - c) Leaves staff with no reason to believe that the equipment has ever been operating out of compliance since the last source test, (especially if they can show compliance since the last source test with CEMS, district-approved alternative monitoring data); and
 - d) Obtains a dormant unit permit (or ATC) prior to the source test deadline. The dormant unit permit must have condition(s) that specify testing shall take place within 60 days upon start up.

OR

- e) When a non-seasonal source permanently shuts down a unit for the purpose of implementing an ATC, the source need not source test as required under the existing PTO, but rather as required under the ATC that is being implemented; and
- f) Leaves staff with no reason to believe that the equipment has ever been operating out of compliance since the last source test, (especially if they can show

compliance since the last source test with CEMS, district-approved alternative monitoring data).

2. If the non-seasonal source fails to comply with all the requirements of (B) (1), a NOV shall be issued. In cases where very unusual circumstances prevent the source operator from testing in a timely manner, the inspector should discuss the issue with the regional compliance manager prior to issuing the NOV.
 3. For seasonal sources to avoid an NOV, the requirements of (B) (1) above must be met, and the shutdown must occur at least 30 days prior to the end of the normal operating season. Seasonal sources are encouraged to source test early in the season to ensure that an early end to the season does not result in a failure to source test during the operating season. Seasonal sources that fail to source test during an operating season will be required to reschedule subsequent years' test dates to a time earlier in the season.
 4. Any variance request will be reviewed, along with information listed in (B)(1) and (B)(2) and (B)(3) to determine if the District will support the variance.
- C. Source testing may also be postponed for units that are designated and permitted as dormant in accordance with Permitting Policy SSP 1705 prior to the compliance date for a control requirement in a District Rule. For these units, the permit must also have condition(s) that specify testing shall take place within 60 days upon start up.