Instructions for Completing Non-Compliance Event Notification Form (Handwritten)

A Non-Compliance Event occurs when any permit requirement is not met, including terms that establish emission limitations, emission standards, control equipment requirements, work practices, and parameter ranges, and those designed to assure compliance with such requirements, such as monitoring, recordkeeping, and reporting requirements.

Part I – Initial Notification

This part of the form must be received by the District within 2 hours of detection of the Non-Compliance Event (during normal business hours). If applicable, the "Upset/Breakdown Checklist" must also be included. The transmission of a facsimile or e-mail copy is acceptable. **A phone notification is not acceptable.** E-mails may be sent to either: Todd Nishikawa, tnishika@placer.ca.gov , John Mahoney, jmahoney@placer.ca.gov , Bruce Springsteen, bsprings@placer.ca.gov , John Finnell, jfinnell@placer.ca.gov , or Placer County APCD, pcapcd@placer.ca.gov .

At the top right location of the form, complete the Non-Compliance Event Tracking ID No. This is a two-part number made up of the current year and the Non-Compliance Event number. The Non-Compliance Event number is a three-digit number assigned sequentially, starting with "001", to each separate Non-Compliance Event which has occurred during the current year; for example, the third Non-Compliance Event of the year is assigned the Non-Compliance Event number of "003".

1. Company Name / Address – Fill in your company name and facility address (Street Address, City, Zip Code).
2. Title V Source Status – Check whether your facility is under the Title V program. If it is, Non-Compliance Event of any permit condition must be reported in this form. See District Rule 507 Section 402(g)(1) and (3).
3. For Title V Sources, is Non-Compliance Event the Result of Emergency Under District Rule 507 Section 402.2(l) – Completion of Part I and Part II of this Non-Compliance Event Notification form satisfies the Emergency reporting provisions for Title V sources, contained in District Rule 507 Section 402.2(l).
4. Emissions Exceedances – Check pollutants for which Emission Exceedances (Excess Emissions) occurred during the Non-Compliance Event. All facilities must report all Non-Compliance Events that are associated with Excess Emissions. See California Health and Safety Code (HSC) §42303 and §42706; District Rule 501 Section 407 and Section 304.2(b). Although not required, the District recommends that non-Title V sources voluntarily report Non-Compliance Events that are not associated with Emissions Exceedances.
5. CEMS / COMS / CMS Breakdown – Check whether the Non-Compliance Event is associated with a breakdown of either a continuous emissions monitoring system (CEMS), continuous opacity monitoring system (COMS), or continuous monitoring system (CMS).
6. Detection of Non-Compliance Event – Record the time when the Non-Compliance Event was detected.
7. Start of Non-Compliance Event – Record the time when the Non-Compliance Event started. If the time that the Non-Compliance Event started has not yet been determined, check the "unknown" box.
8. Permit Condition or Other Applicable Rule Violated – Identify the permit condition or other applicable District, State, or Federal Rule for which the Non-Compliance Event occurred.
9. Unit / Equipment Involved – Describe the unit and equipment involved with the Non-Compliance Event.
10. Description / Cause of Non-Compliance Event – Describe the circumstances of the Non-Compliance Event – including the cause. For an Upset / Breakdown request, describe the breakdown causing the Non-Compliance Event.
11. Immediate Corrective Action – Describe actions taken to correct the Non-Compliance Event and actions to come into compliance; or alternatively, elect to shutdown with 48 hours (96 hours for CEMS).
12. Request that Non-Compliance Event be Shielded from Enforcement Action as an Upset / Breakdown Under District Rule 404 – Check whether you are requesting at this time that the District not take enforcement action because the Non-Compliance Event is the result of an "Upset / Breakdown" event under District Rule 404 or as an Emergency Event under Rule 507.

If at the required time of Part I submission, you do not have sufficient information to make the determination whether the Non-Compliance event was the result of an "Upset / Breakdown" under Rule 404, check the box marked *"Not Able to Determine at This Time"*. In the Part II submission you will have a final opportunity to make this determination, or alter the determination made in Part I if necessary based on additional information obtained during further investigation in the time period between the Part I and Part II submissions.

If in Part I, you make the decision that the Non-Compliance event is the result of an "Upset / Breakdown" event, it is recommended that with the Part I submission, you complete and return to the District the "Upset / Breakdown Checklist" that assists your having made this determination. Alternatively, if you chose to not provide the "Upset / Breakdown Checklist" with Part I, it must be included with the Part II submission.

The submission of a request for shielding from enforcement action does not by itself confer such a shield. You must provide sufficient information, either in Part I or Part II, to demonstrate that the event was an unforeseeable equipment failure or malfunction which: (1) was not intentional; (2) was not the result of negligence or improper maintenance; (3) did not constitute a nuisance; or (4) is not a repetitive, recurrent breakdown of the same or similar type equipment.

In some situations, return to compliance may not be achieved immediately (or shortly) after the Non-Compliant event is identified. If you elect to continue to operate under non-compliant conditions after the breakdown or emission exceedance is identified, if the District ultimately determines that the Non-Compliance Event was not the result of a legitimate Upset / Breakdown event, you may be liable for significant enforcement action for the time between when you identified non-compliance and when you came back into compliance. You have the burden of showing to the satisfaction of the District that Rule 404 provisions have been met and the Air Pollution Control Officer has reason to not take enforcement action. Actions to return to compliance should be accomplished as expeditiously as possible. Thus, you are advised to: (1) assure that the breakdown meets the criteria for an unforeseeable failure or malfunction; (2) minimize emissions resulting from the event to the maximum degree possible; and (3) assure that the required failure and malfunction information and information on the corrective actions taken is provided to the District in a complete and timely manner.

13. Submission Information – Provide the name of the person who completed the form, date and time it was completed, and a phone number where they can be reached.

Part II – Follow-up Notification

This part of the form must be received by the District within 7 days of the correction of the Non-Compliance Event. The transmission of a facsimile or e-mail copy is acceptable; if you choose to use e-mail, a signed copy must follow by facsimile or regular mail. **A phone notification is not acceptable.**

14. End of Non-Compliance Event – Record the date and time when the Non-Compliance Event was corrected.

15. Duration of Non-Compliance Event – Determine and record the total duration of the Non-Compliance Event; calculated as the time between the start of the event (item 8) and the end of the Non-Compliance Event (item 14).

16. Excess Emissions Estimates – Provide the total amount of excess emissions (separately for each affected pollutant) that occurred during the duration of the Non-Compliance Event. Also provide units as entered (e.g., lb/hr, ppmv, mg/dscm).

17. Emergency Variance in Effect – Check whether an emergency variance, under District Rule 404(D), was obtained and is in effect. An emergency variance may be sought if the Non-Compliance Event is the result of a legitimate upset/breakdown condition, correction will take more than 48 hours (96 hours for CEMS), and process shutdown is not desired. An emergency variance should be applied for as soon as possible.

18. Corrective and Preventative Actions Taken – Describe the actions taken to: (1) minimize the impact of the Non-Compliance Event; (2) correct the Non-Compliance Event; and (3) prevent further Non-Compliance Events in the future.

19. If Not Able to Determine in Item 12 of Part I, Request that Non-Compliance Event be Shielded from Enforcement Action as an Upset / Breakdown Under District Rule 404 – If not determined in the Part I submission due to lack of information at that time, in Part II you must check whether you are requesting that the District not take enforcement action because the Non-Compliance Event is the result of an "Upset Breakdown" event under District Rule 404 or as an Emergency Event under Rule 507. You may also change your decision made in Part I if necessary, based on additional information obtained during further investigation in the time between the Part I and Part II submissions.

    You must also complete and return to the District the "Upset / Breakdown Checklist" that supports your having made this determination, if not already submitted with Part I.

    As discussed above in item 12 of the Part I, the submission of a request for shielding from enforcement action does not by itself confer such a shield. You must provide sufficient information to demonstrate that the event was an unforeseeable equipment failure or malfunction.

20. Submission Information – Provide the name of the person who completed the form, the date and time it was completed, and a phone number where they can be reached.

IF YOU ARE REQUESTING SHIELDING FROM ENFORCEMENT UNDER RULE 404

If you are requesting that the District not take enforcement action because the Non-Compliance Event is the result of an "Upset Breakdown" event under District Rule 404, you have the burden of providing sufficient information to demonstrate that the Upset / Breakdown was an unforeseeable equipment failure or malfunction which: (1) was not intentional; (2) was not the result of negligence or improper maintenance; (3) did not constitute a nuisance; or (4) is not a repetitive, recurrent breakdown of the same or similar type equipment. Additionally, you must complete and return to the District the "Upset / Breakdown Checklist" with the Part I Non-Compliance Event Notification form that attests to your having made this determination. Submission of a request for shielding from enforcement action does not by itself confer such a shield. If breakdown or emission exceeding operations are allowed to continue after the breakdown or emission exceedance is identified, the possibility exists that the District after consideration of the information provided, the timeliness and completeness of the submittals, and a comparison to other like breakdowns, may ultimately determine that the Non-Compliance Event was not the result of a legitimate Upset / Breakdown event and may elect to take enforcement action. Action to return to compliance should be accomplished as expeditiously as possible. Thus, you are advised to: (1) assure that the breakdown meets the criteria for an unforeseeable failure or malfunction; (2) minimize emissions resulting from the event to the maximum degree possible; and (3) assure that the required failure and malfunction information and information on the corrective actions taken is complete and timely.