ADVISORY: FAILED SOURCE TEST

As a result of a failed source test, you have been issued a Notice of Violation for failing to comply with an emission standard stated in your Permit to Operate and/or in a District rule. As such, you are subject to fines and/or penalties. Any additional operation of this equipment after the date of the failed source test may result in further enforcement action, including additional fines and/or penalties, based on the actual days of operation of the equipment in violation of the emission standard.

COMPLIANCE WITH THE EMISSION STANDARD CAN ONLY BE ESTABLISHED BY A SOURCE TEST. AN ADDITIONAL DISTRICT-APPROVED SOURCE TEST MUST BE PERFORMED SHOWING THE EQUIPMENT TO BE IN COMPLIANCE WITH THE DISTRICT’S RULES AND REGULATIONS.

If you need to continue to operate this equipment prior to a successful retest you have the option of petitioning the San Diego Air Pollution Control District Hearing Board for a variance. In making a decision, the Hearing Board considers the rule that has been or will be violated, the severity of the violation, technical problems in achieving compliance with emissions standards, and the advantages and disadvantages to the public and the facility involved. To grant most types of variances, the Hearing Board must decide that all of the following findings are true:

- The facility is or will be in violation of District rules.
- The need for a variance is beyond the facility’s reasonable control.
- Requiring compliance would cause an unreasonable taking of property (such as financial harm to a business), place a burden on an essential public service, or close a business.
- The reduction in air pollution resulting from a shutdown would not justify the harm to the business or public service.
- The facility considered curtailing operations.
- Emissions will be reduced to the maximum extent feasible.
- The facility will monitor and report emission levels.

You can apply for a variance by filing a petition with the Clerk of the San Diego Air Pollution Control District Hearing Board at 1600 Pacific Highway, Room 402, San Diego, CA 92101 (619-531-5434). Forms are on the District web page http://www.sdapcd.org (follow the links to Compliance Programs and then Variance & Hearing Board Petition Forms).

If granted, the variance allows the operation of the non-complying equipment for the purpose of performing remedial repairs and source testing of this equipment; it does not erase the original
violation. If a variance is denied, you will be held responsible for any operation of equipment in violation of the emission standard.

You are responsible for scheduling the additional source test. Source tests must be performed in accordance with District-approved methods and may be conducted by the District or an independent source testing contractor. If conducted by an independent contractor, you must submit and obtain the District’s approval of a test protocol, have the source test witnessed by the District, and have District approval of the final source test report.

Contact Suzanne Blackburn, Senior Chemist, Monitoring and Technical Services Division at (858) 586-2775, to arrange for a source test.

For further information and assistance, contact Gary M. Hartnett, Air Quality Inspector III, Compliance Division, at (858) 586-2671 or Heidi Gabriel-Pack, Hearing Board Liaison, at (858) 586-2657.