

Sec. 4-12. Limits on emissions due to equipment malfunction, start-up or shutdown.

(a) *Purpose.* The purpose of this Section is to place reasonable limits on the amount of emissions an air contaminant source (incinerator, fuel-burning equipment, refuse-burning, or process equipment) can emit due to a malfunction or during start-up or shutdown of said source. Without such limits, especially in nonattainment areas, air quality standards will not be met and public health and welfare will be endangered.

(b) *Reasonable measures required.* Air contaminant sources must take all reasonable measures to keep emissions to a minimum during start-ups, shutdowns, and malfunctions. These measures may include installation methods or procedures, cessation of operation until the process equipment or air pollution control equipment is repaired, maintaining sufficient spare parts, use of overtime labor, use of outside consultants and contractors, and other appropriate means. For sources located in, or significantly impacting, a nonattainment area, failures that are caused by poor maintenance, careless operations or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions and shall be considered in violation of the emission standard exceeded and this Section.

(c) *Notice required when malfunction occurs.* When any emission source, air pollution control equipment of related permit unit breaks down in such a manner as to cause the emission standards contained in this Regulation, or of sufficient duration to cause damage to property or public health, the person responsible for such equipment shall promptly notify the director of such failure or breakdown and provide a statement giving all pertinent facts, including the estimated duration of the breakdown. Prompt notification will be within 24 hours of the malfunction and shall be provided by telephone to the bureau office. Telephone notification shall be followed up by a written report to the bureau within seven days after the occurrence. The director shall be notified when the condition causing the failure or breakdown has been corrected and the equipment is again in operation. Any malfunction that creates an imminent hazard to health must be reported by telephone immediately to the bureau and to the State Civil Defense.

(d) *Logs and reports*

(1)a. A log of all malfunctions, start-ups, and shutdowns resulting in emissions in excess of the standards in this chapter must be kept at the plant. This log must record at least the following:

1. Stack or emission point involved.
2. Time malfunction, start-up, or shutdown began or when first noticed.
3. Type of malfunction or reason for shutdown.

4. Time start-up or shutdown was complete or time the air contaminant source returned to normal operation.

5. The company employee making entry on the log must sign, date, and indicate the time of each log entry.

b. The information under items (a) 1. and 2. of this paragraph must be entered into the log by the end of the shift during which the malfunction or startup began.

c. All information shall be entered in the log no later than twenty-four (24) hours after the start-up or shutdown is complete, or the malfunction has ceased or has been corrected.

d. Any later discovered corrections can be added in the log as footnotes with the reason given for the change.

(2) The owner or operator of all sources located in nonattainment areas or having a significant impact on air quality in a nonattainment area (for the nonattainment pollutant) must submit a report to the director within thirty (30) days after the end of each calendar quarter listing the times and dates at which malfunctions, start-ups, or shutdowns which resulted in emissions greater than any applicable emission limits and indicate the estimated amount of emissions discharged during the times. This report should also include total emissions during the quarter and be reported in a format specified by the director. If these emissions are required to be reported under new source performance standards adopted by passage of Resolution No. 877-4, August 3, 1977, by the County Council of Hamilton County, Tennessee, then the report by this paragraph is waived.

(e) *Copies of log required.* The director may require the owner or operator of any air contaminant source to submit a copy of the upset log required under Section 15-D to him ten (10) days after the request is received. The director can require submission of copies of the entire log.

(f) *Scheduled maintenance*

(1) *General.* In the case of shutdown of air pollution control equipment for necessary scheduled maintenance, the intent to shutdown such equipment shall be reported to the director at least twenty-four (24) hours prior to the planned shutdown where such equipment will result in the discharge of emissions in excess of the standards in this Regulation. Such prior notice shall include, but is not limited to the following:

- a. Identification of the specific source (permit unit) to be taken out of service, as well as its location and permit number.
- b. The length of time that the air pollution control equipment will be out of service.
- c. The nature and quantity of emissions of air contaminants likely to occur during the shutdown period.
- d. Measures such as the use of off-shift labor and equipment that will be taken to minimize the emissions during the shutdown period.

(2) *Exceptions to shutdown reporting requirements.* When shutdowns referred to in Section (f)(1) are on a routine schedule, the report to the director may be furnished on an annual basis and shall list the dates and times of the routine scheduled shutdowns during the upcoming year, with the other information required in subsection (f)(1).

(g) *Report required upon the issuance of a notice of violation.*

(1) When excess emissions occur from any source due to the breakdown of process equipment or air pollution control equipment, a notice of violation shall be automatically be issued unless the source owner or operator in the written report required by Section (c) presents adequate justification for not issuing a notice.

(2) Each report shall include, at a minimum:

- a. The identity of the stack or other emission point where the excess emissions occurred;
- b. The magnitude of the excess emissions expressed in pounds per hour and the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;
- c. The time and duration of the emissions;
- d. The nature and cause of such emissions;
- e. Steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of such malfunctions;
- f. The steps taken to limit the excess emissions on the occurrence reported, and

g. Documentation that the air pollution control equipment, process equipment, or processes were at all times maintained and operated in a manner consistent with good practice for minimizing emissions if this is the case.

(3) Failure to submit this report within the twenty (20) day period specified in paragraph (1) shall preclude the admissibility of the report data as an excuse for malfunctions, start-ups, and shutdowns in causing the excessive emissions.

(h) *Special reports required.* The director may require any air contaminant source to submit a report within thirty (30) days after the end of each calendar quarter in a format he specifies containing as a minimum the following information:

- (1) The dates on which malfunctions, start-ups, and shutdowns resulted in emissions greater than those allowed by the emission standards in this Regulation.
- (2) The estimated amount of air contaminants emitted in excess of the emission standards in units of pounds of air contaminant per hour and pounds of air contaminant per day.
- (3) Other emission characteristics such as stack exit temperature, stack height and diameter, stack exit velocities, and other similar information.
- (4) Information needed to evaluate the possibility of instituting measures to eliminate or reduce the number of malfunctions or the amount of emissions from malfunctions, start-ups, and shutdowns.
- (5) Information to determine if the excess emissions truly resulted from a malfunction.
- (6) Information to evaluate the impact of the emissions on the surrounding area.

(i) *Rights reserved.* Nothing in this section shall be construed to limit the obligation of the source to achieve and maintain the emission limitations provided in this chapter or the authority of the director or the board to institute actions under this Regulation nor the Tennessee Air Quality Act.

(Code 1968, Sec. 4-10; Ord. No. 7719, Sec. 5, 9-2-80)

THIS IS THE FEDERALLY APPROVED REGULATION AS OF MAY 8, 1990

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