



## **Rule 32 Breakdowns At Facilities With Interruptible Grid Power**

### **Background**

APCD Rule 32, “Breakdown Conditions; Emergency Variances”, allows for breakdowns of air pollution control devices and continuous emissions monitoring systems and provides the operator temporary relief from District enforcement as long as the breakdown meets specific criteria and the operator follows procedures outlined in the rule.

APCD Rule 32, Section A states, in part: “...a breakdown condition means an unforeseeable failure or malfunction...”. Section A.2 goes on to state, that a breakdown condition cannot be “the result of an intentional or negligent act or omission on the part of the owner or operator.”

Electricity providers have historically offered reduced electrical service rates for account holders who agree to participate in a Load Reduction Program (LRP) that would allow the provider to curtail electrical service to a particular facility periodically when the need to occurs. Such programs may also be known as a Demand Response Program (DRP) a Base Interruptible Program (BIP) or historically, as a Schedule I-6 Program (I-6). The advantage to the account holder is a reduced electric service rate in exchange for agreement that electrical service to a particular facility may occasionally be temporarily curtailed.

District staff has determined that a voluntary curtailment of electrical service due to contractual obligation is not an “unforeseeable failure or malfunction” and such a curtailment does not meet definition of a breakdown, as defined in Rule 32.A. Furthermore, such power curtailments are the result of an intentional act, on the part of the owner or operator. (Rule 32.A.2) This includes participation in any DRP, LRP, BIP, I-6 program or any other program that involves voluntary electrical service curtailment in exchange for a reduced electrical service rate.

### **Policy**

Any voluntary shut down of continuous monitoring equipment or air pollution control device/equipment, including vapor recovery compressors at crude oil production and storage facilities will not constitute a breakdown, as defined in Rule 32, and the operators may not be afforded relief from District enforcement action. District Compliance staff may issue a Notice of Violation (NOV) to any facility owner or operator whenever a violation occurs as a result of such a shutdown. This includes any electrical service curtailment that occurs due to contractual obligation or participation in a DRP, LRP, BIP, or I-6 program or any other program that requires voluntary electrical service curtailment in exchange for a reduced electrical service rate.

### **Questions?**

If you have any questions regarding APCD Rule 32 enforcement, please contact the District’s Compliance Division at 805/645-1494.