

RULE 107. EMERGENCIES (Adopted April 19, 2001)

A. Applicability

The purpose of this rule is to give the Control Officer the ability to suspend certain District rules, regulations or orders during a local, state or federally declared State of Emergency or State of War Emergency.

This rule applies to the operation of any article, machine, equipment or contrivance within the jurisdiction of the Santa Barbara County Air Pollution Control District which of necessity must be operated or performed to protect public health or safety during a State of Emergency or to facilitate the remediation of an officially declared local, state or federal State of Emergency or State of War Emergency. Such necessity includes, but is not limited to, rescue efforts, efforts to protect public health or safety, clean up, repair work or emergency power generation.

B. Exemptions

Nothing in this rule or in any order issued by the Control Officer shall be construed to authorize a violation of Rule 303 or Health and Safety Code Section 41700.

C. Definitions

For the purposes of this rule, the following definitions shall apply:

“Emergency” means any sudden, unexpected occurrence involving a clear and imminent danger, demanding immediate action to prevent or mitigate the loss of, or damage to, life, health, property, or essential public services.

“District Order” means any written command or prescribed procedure issued by the Control Officer or designee or the Hearing Board of the Santa Barbara County Air Pollution Control District.

“Rules or Regulations” mean any District-mandated requirements that include, but are not limited to, permitting, emission limits, operation limits, or policies.

“State of Emergency” means the condition when an emergency exists and is so declared by the Governor or by the governing body of a political subdivision or officials designated thereby or federal government and includes instances of fire, epidemic, flood, earthquake or other soil or geologic movements, as well as such occurrences as civil unrest, accident, or sabotage.

“State of War Emergency” means the condition which exists immediately with or without a proclamation thereof by the Governor or the President of the United States, whenever this nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent.

“Suspension” means a temporary relief or exemption granted by the Control Officer from all or part of a District rule, regulation or order.

D. Control Officer Authority

1. During a State of Emergency or State of War Emergency as declared by the Governor or by the governing body of a political subdivision or officials designated thereby or federal government, the Control Officer may suspend all or part of any District order, rule or regulation after determining and declaring that strict compliance with such order, rule or regulation would delay critical actions necessary for rescue, to protect public health or safety, clean-up, repair work or emergency power generation. The suspension may be designated by rule, geographic area, type of equipment or other means set forth by the Control Officer.
2. The suspension granted by the Control Officer shall apply only to equipment used for the protection of public health and safety or to facilitate the remediation of an officially declared local, state or federal State of Emergency or State of War Emergency and shall apply to a period no longer than 10 calendar days from the date of issuance. The ten-day suspension may be extended by the Control Officer for further 10-day intervals, on or after the tenth day of the initial suspension and each additional suspension period, as deemed necessary. If the Control Officer issues a suspension order that is authorized to or does exceed 30 days, the Control Officer shall present the matter to the Board at the next regularly scheduled Board meeting, in accordance with the regular agenda procedures, at which time the Board may order the suspension order terminated or modified.
3. All powers of suspension exercised by the Control Officer as a result of the declared State of Emergency shall terminate no later than the time the emergency is proclaimed to be over by the local, state or federal government. Rules, regulations or orders previously suspended shall at that time be considered in full force again.
4. In issuing any suspension order under this Rule, the Control Officer shall determine whether feasible mitigation measures or control strategies exist to reduce or eliminate significant or adverse air impacts. If determined feasible, the Control Officer shall, as a condition of the suspension order, require effected sources to implement such mitigation measures or control strategies.

E. Recordkeeping, Testing, Monitoring and Reporting Requirements

Any person whose actions are covered by an emergency suspension order issued by the Control Officer shall comply with all recordkeeping, testing, monitoring and reporting requirements specified by the Control Officer in that suspension order or subsequent extensions or amendments to that suspension order.