

# Proposed Amended Rule 408: Circumvention

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JANUARY 11, 2018

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# Background

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- Predates SCAQMD  
All four county air agencies prohibit “dilution as a solution” to air pollution.
- Rule 408 - *Circumvention* adopted by SCAQMD in May 1976 as part of Prohibitory Rules
- Recent enforcement issues triggered this proposed amendment
- Amendment supports current enforcement practices



# Proposed Amendment

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- Objective:
  - Ensure emissions are not being concealed when mitigating the nuisance odors.
- Amendment:
  - Clarifies that concealment includes dilution or suppression.
  - Clarifies that any plan, order, permit, rule, regulation, or law cannot be circumvented.
  - Facilities retain the ability to use equipment or techniques to mitigate nuisance odors.
    - Prior approval is necessary to allow the Executive Officer to verify that the equipment and techniques are only mitigating nuisance odors, and not concealing emissions.
  - Prohibit alterations to operations or equipment to avoid detection of emissions during monitoring or testing.

# Proposed Amendments (Cont.)

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- Plan (*example*):
  - Air Monitoring Plan (*Rule 1420*)
  - Compliance Plan (*Rule 1146, Rule 1404*)
  - Emission Control Plan (*Rule 1110.2*)
  - Odor Mitigation Plan (*Rule 415*)
- Order for Abatement (Stipulated or not)
- Law:
  - Health and Safety Code

# Circumvention Examples

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- A facility blocks the stack or vent from their emission control device to alter emissions readings.
- A facility installs fans from their exhaust points to “mitigate odors.” In doing so, this also conceals air contaminants by directing the emissions away from the monitors placed around the facility.
- A facility is required to be monitored by the District to verify correction of a violation, but the facility alters operations by decreasing their normal output by outsourcing operations to avoid higher readings during monitoring.

# Comments Received

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- Timeline is rushed for these “significant” changes.
  - Timeline meets requirements for an administrative rule (no socioeconomic or CEQA impacts).
- Proposed amendment broadens the rule’s applicability.
  - Circumvention of any plan, order, permit, rule, regulation, or law is already a violation.
- Previous objective in the Board letter synopsis has changed.
  - The objective and purpose remains the same; however, the way to achieve that objective has changed.
- Proposed amendment would cause significant delays in facilities’ efforts to resolve odor nuisance problems.
  - Staff will consider suggestions to streamline the approval process.

# District Staff Contact

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# Schedule

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- Stakeholder Meetings
  - Ongoing
- Stationary Source Committee
  - January 19, 2018
- Comments Due
  - January 25, 2018
- Set Hearing
  - February 2, 2018
- Governing Board Meeting
  - March 2, 2018