

REGULATION IV
PROHIBITIONS

RULE 421 VIOLATIONS AND DETERMINATION OF COMPLIANCE

(Adopted 12/13/84; Revised 12/21/94)

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to provide standards by which compliance with requirements derived from the federal Clean Air Act may be determined.

1.2 Applicability

The provisions of this Rule shall provide standards for compliance determinations required by, or derived from, federal law for the operation of any article, machine, equipment, or other contrivance within the District which may cause the issuance of air contaminants, or the use of which may eliminate, reduce, or control the issuance of air contaminants.

1.3 Exemptions

RESERVED

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1.4 Effective Dates

This Rule has been in effect since December 13, 1984. The Rule in its present form is effective on February 1, 1995.

1.5 References

The requirements of this Rule arise from the provisions of Sections 110(a)(2)(A), (C), and (F) (42 U.S.C. Sections 7401(a)(2)(A), (C), and (F)); and Sections 113, 114(a)(3) (42 U.S.C. Sections 7413, and 7414(a)(3)) of the federal Clean Air Act.

PART 2 DEFINITIONS

2.1 Administrator

The Administrator of the United States Environmental Protection Agency or delegee.

2.2 District

The Monterey Bay Unified Air Pollution Control District.

PART 3 VIOLATIONS OF OTHER LEGAL MANDATES

Nothing in the District's Regulations is intended to permit any practice which is a violation of any statute, ordinance, rule or regulation.

PART 4 STANDARDS FOR DETERMINATION OF COMPLIANCE

4.1 Compliance Certifications

Notwithstanding any other provision in any plan approved by the United States Environmental Protection Agency Administrator, for the purpose of submission of compliance certification required by federal law, the owner or operator is not prohibited from using the following, in addition to any specified compliance methods:

4.1.1 An enhanced monitoring protocol approved for the source pursuant to 40 CFR Part 64.

4.1.2 Any other monitoring method approved for the source pursuant to 40 CFR 70.6(a)(3) and incorporated into a federally enforceable operating permit.

4.2 Credible Evidence

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Notwithstanding any other provision in the State Implementation Plan approved by the Administrator, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any such plan.

4.2.1 Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at a source:

4.2.1.1 An enhanced monitoring protocol approved for the source pursuant to 40 CFR Part 64.

4.2.1.2 A monitoring method approved for the source pursuant to 40 CFR 70.6(a)(3) and incorporated into a federally enforceable operating permit.

4.2.1.3 Compliance test methods specified in the State Implementation Plan.

4.2.2 The following testing, monitoring, or information-gathering methods are presumptively credible testing, monitoring, or information-gathering methods:

4.2.2.1 Any federally-enforceable monitoring or testing methods, including those in 40 CFR Parts 51, 60, 61, and 75.

4.2.2.2 Other testing, monitoring, or information gathering methods that produce information comparable to that produced by any method in 4.2.1 or 4.2.2.1 herein.

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