

REGULATION I - GENERAL PROVISIONS

RULE 1.3 - EMERGENCY DECLARATION

Proposed Adoption 08/01/2022)

A. PURPOSE

1. The purpose of this rule is to give the District Air Pollution Control Officer the ability to suspend certain District rules, regulations, orders, or specific permit conditions during a state or federally declared State of Emergency.

B. APPLICABILITY

1. This rule applies to the operation of any facility, piece of equipment or process within the jurisdiction of the Feather River Air Quality Management District which of necessity must be operated or performed to protect health or safety during a State of Emergency or to facilitate the remediation of an officially declared 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.

C. SEVERABILITY

1. If any section, subsection, sentence, clause, phrase, or portion of this rule is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, that portion shall be deemed as a separate, distinct, and independent provision, and the holding shall not affect the validity of the remaining portions of the rule.

D. DEFINITIONS

1. Emergency: 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.
2. Order: any written command or prescribed procedure issued by the APCO or designee or the Hearing Board of

the Feather River Air Quality Management District.

3. State of Emergency: is the condition when an emergency exists and is so declared by the Governor or federal government and includes instances of fire, epidemic, flood, earthquake, or other soil or geologic movements, as well as civil unrest, accident, or sabotage.
4. State of War Emergency: is 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.
5. Suspension: is a temporary relief or exemption granted by the APCO from all or part of a District rule, regulation, permit condition, or order.

E. APCO AUTHORITY

1. During a State of Emergency or State of War Emergency as declared by the Governor or federal government, the APCO may suspend all or part of any District rule, regulation, permit condition, or order after determining and declaring that strict compliance with such rule, regulation, permit condition, or order 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 APCO.
2. The suspension granted by the APCO shall apply only to equipment used for protection of public health and safety and shall apply to a period no longer than 10 calendar days from the date of issuance. The 10-day suspension may be extended by the APCO for further 10-day intervals, on or after the tenth day of the initial suspension and each additional suspension period, as deemed necessary to protect public health and safety.
3. All powers of suspension exercised by the APCO because of the declared State of Emergency shall terminate no later than the time the emergency is declared over by

the state or federal government. All rules, regulations, permit conditions, or orders previously suspended shall at that time be considered in full force again.

F. OTHER REQUIREMENTS

1. Any individual seeking an exemption for a specific piece of equipment or process beyond the time granted by the APCO may do so pursuant to District Regulation V - Hearing Board Procedures.

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