

21.5(455B) Evidence used in establishing that a violation has or is occurring.

Notwithstanding any other provisions of these rules, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any provisions herein.

21.5(1) Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at a source:

- a. A monitoring method approved for the source and incorporated in an operating permit pursuant to 567 Chapter 22;
- b. Compliance test methods specified in 567 Chapter 25; or
- c. Testing or monitoring methods approved for the source in a construction permit issued pursuant to 567 Chapter 22.

21.5(2) The following testing, monitoring, or information-gathering methods are presumptively credible testing, monitoring, or information-gathering methods:

- a. Any monitoring or testing methods provided in these rules;
or
- b. Other testing, monitoring, or information-gathering methods that produce information comparable to that produced by any method in subrule 21.5(1) or this subrule.

567-21.5

EPA Rulemakings

CFR: 40 C.F.R. 52.820(c)(61)(i)(A)
FRM: 60 FR 55198 (10/30/95)
PRM: 60 FR 32639 (6/23/95)
State Submission: 10/18/94
State Proposal: IAB 6/22/94 (ARC 4885A)
State Final: IAB 10/12/94 (ARC 5168A) (Effective 11/16/94)
APDB File: IA-48
Description: The EPA approved a new rule which provides for use of compliance and enforcement information.

Difference Between the State and EPA-Approved Regulation

None.