



**EPA Office of Compliance
Enforcement Targeting and Data Division**

AFS National Workshop

Washington, DC

July 24-28, 2006

EPA does not necessarily endorse the policies or views of the presenters, and does not endorse the purchase or sale of any commercial services or products mentioned in this presentation.

Media Systems and Support Section, Data Systems and Information Management Branch, Enforcement Targeting and Data Division, Office of Compliance, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460



National Stack Testing Guidance

AFS NATIONAL CONFERENCE

ARLINGTON, VIRGINIA

July 25, 2006



GOALS



- ◆ Address EPA Inspector General Concerns
- ◆ Improve Uniformity in How Tests Conducted
- ◆ Improve Coordination
- ◆ Enhance Oversight

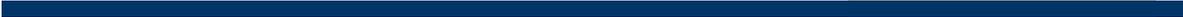


MAJOR ISSUES ADDRESSED BY GUIDANCE

- ◆ Time Frame
- ◆ Waivers
- ◆ Notification
- ◆ Observation
- ◆ Representative Testing Conditions
- ◆ Stoppages
- ◆ Postponements
- ◆ Test Reports



TIMELINE



- ◆ Issued Interim Guidance on February 2, 2004
- ◆ Evaluated Usage
- ◆ Positive State/Local Agency Feedback
- ◆ Generally Critical Industry Feedback--Legal Challenge Filed
- ◆ Issued Final Guidance on September 30, 2005



DEFINITION



- ◆ Revised Definition and Clarified That Guidance Applies Only to Tests Conducted for Compliance Purposes Under NSPS, NESHAP and MACT Programs

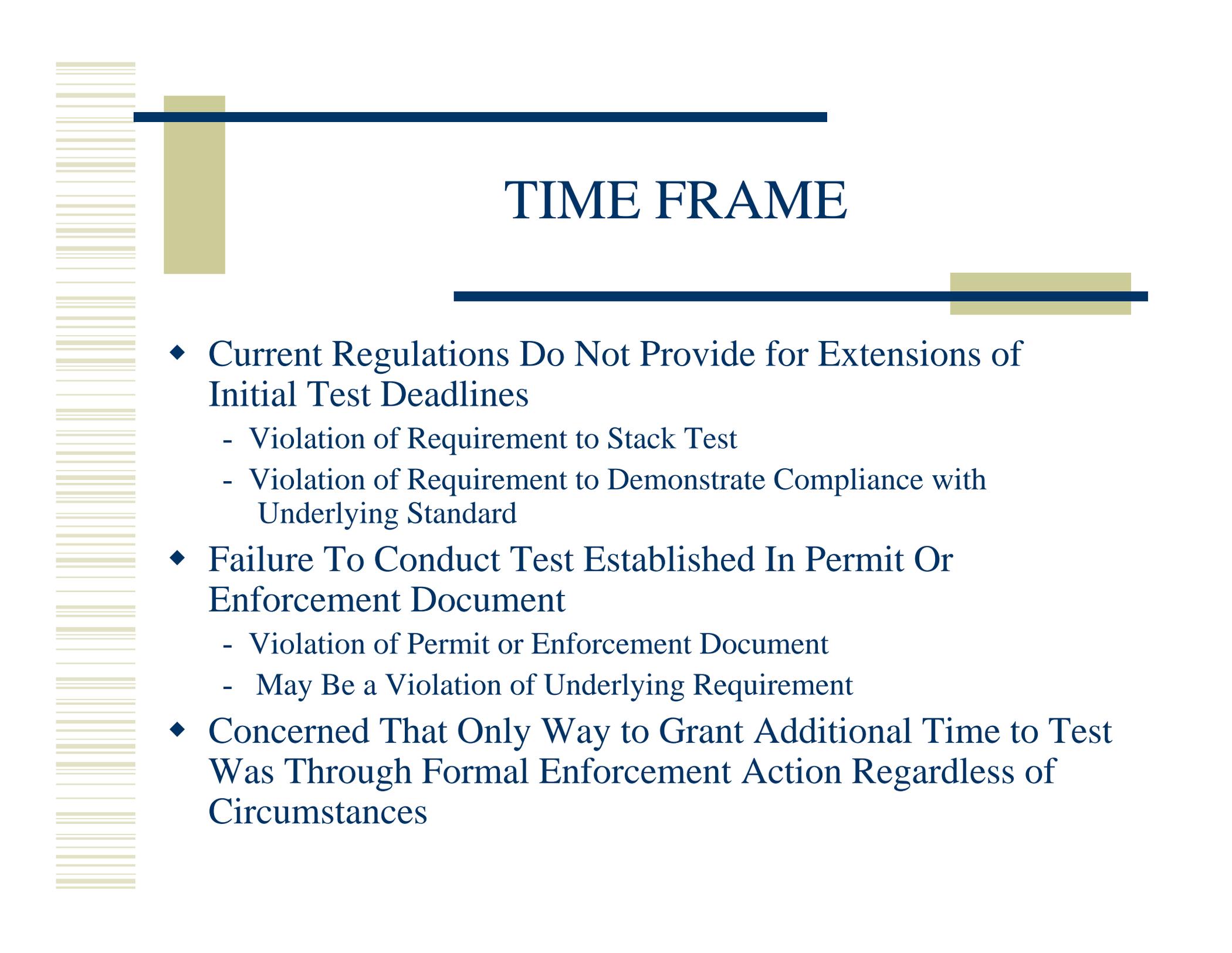
“Any Performance Testing Conducted for the Purposes of Determining and Demonstrating Compliance With The Applicable Standards Of 40 CFR Parts 60, 61, And 63 Using Promulgated Test Methods, Other Test Methods or Procedures Cited in the Applicable Subpart(s), or Alternative Test Methods Approved by the Administrator Under §§60.8, 61.13, or 63.7. It Does Not Include Visible Emission Observation Testing.”



CMS AND HPV POLICIES

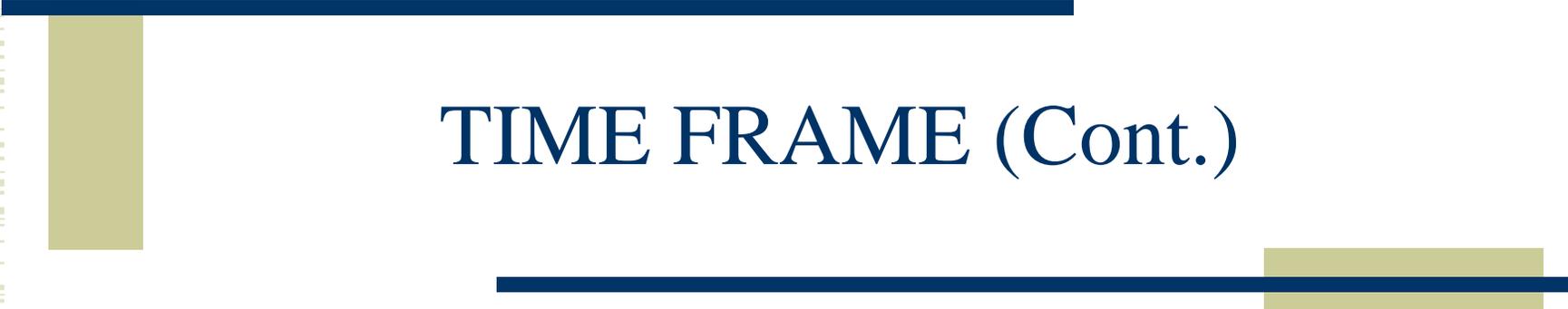


- ◆ Editorial Changes Made to More Fully Characterize Policies and Explain that Guidance Merely Restates Applicable Provisions in Existing Policies



TIME FRAME

- ◆ Current Regulations Do Not Provide for Extensions of Initial Test Deadlines
 - Violation of Requirement to Stack Test
 - Violation of Requirement to Demonstrate Compliance with Underlying Standard
- ◆ Failure To Conduct Test Established In Permit Or Enforcement Document
 - Violation of Permit or Enforcement Document
 - May Be a Violation of Underlying Requirement
- ◆ Concerned That Only Way to Grant Additional Time to Test Was Through Formal Enforcement Action Regardless of Circumstances



TIME FRAME (Cont.)

- ◆ Revised to Take Into Account Inability to Meet Regulatory Testing Deadlines Due to Circumstances Beyond Facilities' Control
 - Under Force Majeure, Delegated Agency Should Use Enforcement Discretion by Issuing Letter (Versus Formal AO) Acknowledging Circumstances and Establishing New Test Date
- ◆ OAQPS Developing Proposed Amendments to Codify Force Majeure Concept



WAIVERS FOR IDENTICAL UNITS

- ◆ Expanded Text to Include Pertinent Regulatory References
- ◆ Revised Criteria for Determining When Stack Tests for Identical Units May Be Waived
- ◆ Included Concept That Margin of Compliance May Not Have to Be Significant Where The Emissions Variability of Identical Units Is Low



NOTIFICATION



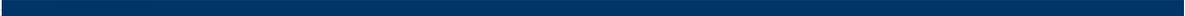
- ◆ Revised Text Clarifies That Notification Is Not Necessary If Test Is Outside Scope Of Guidance, Unless Potential For Applicable Limits To Be Exceeded
- ◆ Clarifying Language on Submitting Site-Specific Test Plans and Contents Of Such Plans



Representative Testing Conditions



- ◆ Editorial Changes to Reinforce Agency Position That CAA Requires Continuous Compliance Except Where Explicitly Excused
- ◆ Tests Should Be Performed Under Those Representative Conditions That:
 - Represent the Range of Combined Process and Control Measure Conditions Under Which The Facility Expects to Operate (Regardless Of Frequency Of Conditions)
 - Are Likely to Most Challenge the Emissions Control Measures of the Facility With Regard to Meeting the Applicable Emission Standards, But Without Creating an Unsafe Condition



SOOT-BLOWING



- ◆ Streamlined Text to Emphasize Reliance on Past Agency Guidance for Including Soot-Blowing
- ◆ Guidance Continues to State That Emissions From Soot-Blowing Cannot Be Discarded As the Result of An Upset Condition, and Erroneous to Stop Soot-Blowing for the Purpose of Conducting a Stack Test



STOPPAGES



- ◆ Additional Text Inserted to Account For Force Majeure Event
 - If Facility Unable to Reschedule Test Prior to Regulatory Deadline, Delegated Agency Should Use Enforcement Discretion to Issue Letter Acknowledging Circumstances and Establishing New Test Date



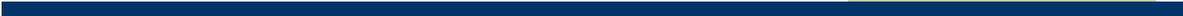
REPORTING



- ◆ Date and Results (Pass/Fail)
- ◆ HPV As Appropriate
- ◆ Report Within 60 Days



REPORTING PROBLEM



- ◆ Many States/Locals Do Not Enter Results When Enter Test Date Citing Lack of Information for Making Pass/Fail Determination
- ◆ Many States/Locals Have Indicated That Results Are Not Available Within 60 Day ICR Timeframe
- ◆ Time Needed to Obtain Results Also May Extend Beyond HPV Timeframes For Establishing Day Zero



REPORTING SOLUTION



- ◆ Date and Results Still Required
- ◆ However, “Pending” Code Is Now Available for Situations Where Pass/Fail Results Are Not Available
- ◆ Pending Code (99) Is a Temporary Field And Should Be Updated Within a Maximum of 120 Days
 - 60 Days If Results Known or Pending Reported
 - Additional 60 Days If Pending Initially Reported

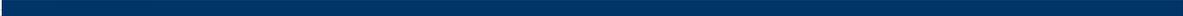
REPORTING SOLUTION (Cont.)

- ◆ All Stack Test Actions Should Reflect Date of Test Regardless of Whether Observed
- ◆ Discovery Date Is Receipt of Results
 - 45 Days From Date of Discovery to Establish Day Zero; Up to 90 Days If Additional Information Required
 - New Action Types (TT/TS-EPA/State Receipt of Stack Test Report) In Violation Pathway Available and Becomes HPV Discovery Date



REPORTING SOLUTION (Cont.)

- ◆ New Fixed Report Available to Monitor Use of Pending Code for More Than 120 Days
- ◆ Changes Effective October 1, 2006



ADDITIONAL INFORMATION



- ◆ Robert Lischinsky

lischinsky.robert@epa.gov

202-564-2628

- ◆ Internet Address:

<http://www.epa.gov/Compliance/resources/policies/>

[monitoring/caa/stacktesting.pdf](http://www.epa.gov/Compliance/resources/policies/monitoring/caa/stacktesting.pdf)