AIR PROGRAMS POLICY

and GUIDANCE NOTEBOOK

Volume 1

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

U.S. Environmental Protection Agency
Region V, Library
230 South Dearborn Street
Chicago, Illinois 60604

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** 100 TPY SOURCES		
PN165-87-10-06-029	VOLUME 2	EMISSIONS FROM LANDFILLS
PN172-84-06-25-047	VOLUME 1	CONFIRMATION OF DEFINITION OF "100 TON-PER-YEAR (100 TPY) SOURCE"
PN172-84-12-21-049	VOLUME 1	CONNECTICUT VOLATILE ORGANIC COMPOUND (VOC) ISSUES
PN172-86-10-30-053	VOLUME 2	INCLUSION OF CLEAN-UP SOLVENTS IN DETERMINING APPLICABILITY TO THE 100-TON PER YEAR NON-CTG REQUIREMENTS
** AEROSPACE INDUSTRY		
PN172-89-07-06-076	VOLUME 2	AEROSPACE AND SIMILAR RULES IN OZONE STATE IMPLEMENTATION PLANS (SIP'S)
** AFTERBURNERS		
PN165-85-06-28-023	VOLUME 1	MEMO TO WILLIAM S. BAKER ON SEASONAL AFTERBURNER POLICY
PN172-80-12-01-033	VOLUME 1	REVISED SEASONAL AFTERBURNER POLICY
PN172-86-02-28-052	VOLUME 2	RESPONSES TO FOUR VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
** AIR QUALITY MODELING		
PN107-82-09-16-007	VOLUME 1	MILWAUKEE SO2 NONATTAINMENT DESIGNATION
PN107-83-04-21-008	VOLUME 1	SECTION 107 DESIGNATION POLICY SUMMARY
PN110-84-11-28-069	VOLUME 1	CORRECTING ATMOSPHERIC DISPERSION MODEL RESULTS TO STANDARD TEMPERATURE AND PRESSURE
PN110-85-01-02-070	VOLUME 1	REGIONAL IMPLEMENTATION OF MODELING GUIDANCE
PN110-87-04-30-082	VOLUME 2	AMBIENT AIR
PN110-87-04-30-083	VOLUME 2	AMBIENT AIR
PN110-87-09-21-086	VOLUME 2	AMBIENT AIR DEFINITION
PN110-87-05-11-088	VOLUME 2	GUIDANCE ON ACCOUNTING FOR TRENDS IN PARTICULATE MATTER EMISSION AND AIR QUALITY DATA
PN110-90-07-05-106	VOLUME 2	PM-10 SIP DEMONSTRATIONS FOR SMALL ISOLATED AREAS WITH SPATIALLY UNIFORM EMISSIONS
PN123-85-10-10-007	VOLUME 1	QUESTIONS AND ANSWERS ON IMPLEMENTING THE REVISED STACK HEIGHT REGULATION
PN123-86-02-11-012	VOLUME 2	CLARIFICATION OF EXISTING GUIDANCE ON DISPERSION MODELING REQUIREMENTS FOR PLANTS WITH "TALL STACKS" AND OTHER PROHIBITED DISPERSION TECHNIQUES
PN165-84-01-20-013	VOLUME 1	PSD INCREMENT CONSUMPTION CALCULATIONS
PN165-87-01-29-027	VOLUME 2	IMPLEMENTATION OF THE REVISED MODELING GUIDELINE FOR PREVENTION OF SIGNIFICANT DETERIORATION (PSD)
PN165-89-03-31-040	VOLUME 2	APPLICATION OF BUILDING DOWNWASH IN PREVENTION OF SIGNIFICANT DETERIORATION (PSD) PERMIT ANALYSES
PN172-78-03-10-002	VOLUME 1	EXAMPLE DEMONSTRATION OF ATTAINMENT FOR PHOTOCHEMICAL OXIDANTS
PN172-81-01-22-039	VOLUME 1	STATE IMPLEMENTATION PLANS-APPROVAL OF 1982 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NEEDING AN ATTAINMENT DATE EXTENSION (46 FR 7182)
PN172-89-05-03-074	VOLUME 2	IDENTIFICATION OF NEW AREAS EXCEEDING THE NAAQS
** AIR QUALITY MONITORING		
PN107-86-04-11-012	VOLUME 2	REQUIRED MONITORING PERIOD FOR OZONE REDESIGNATION IN UNCLASSIFIED AREAS
PN110-79-11-21-023	VOLUME 1	MINIMUM NUMBER OF SAMPLES FOR DETERMINING QUARTERLY AVERAGE LEAD CONCENTRATION

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN110-83-03-18-063	VOLUME 1	LETTER TO HARRY H. HOVEY RE EPA POLICY WITH REGARD TO AMBIENT AIR
PN110-83-05-27-064	VOLUME 1	SUMMARY OF NAAQS INTERPRETATION
PN110-87-05-11-088	VOLUME 2	GUIDANCE ON ACCOUNTING FOR TRENDS IN PARTICULATE MATTER EMISSION AND AIR QUALITY DATA
PN110-88-11-21-099	VOLUME 2	REVISION TO POLICY ON THE USE OF PM10 MEASUREMENT DATA
PN110-90-06-18-105	VOLUME 2	REPLACEMENT OF SURROGATE PM-10 MONITORS
PN172-81-05-21-038	VOLUME 1	1982 OZONE AND CARBON MONOXIDE SIP GUIDANCE INDEX
PN172-81-01-22-039	VOLUME 1	STATE IMPLEMENTATION PLANS-APPROVAL OF 1982 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NEEDING AN ATTAINMENT DATE EXTENSION (46 FR 7182) **
** AMBIENT AIR		
PN110-83-03-18-063	VOLUME 1	LETTER TO HARRY H. HOVEY RE EPA POLICY WITH REGARD TO AMBIENT AIR
PN110-83-05-26-068	VOLUME 1	DEFINITION OF AMBIENT AIR FOR LEAD
PN110-87-04-30-082	VOLUME 2	AMBIENT AIR **
PN110-87-04-30-083	VOLUME 2	AMBIENT AIR
PN110-87-09-21-086	VOLUME 2	AMBIENT AIR DEFINITION
PN123-80-12-19-001	VOLUME 1	LETTER TO HONORABLE JENNINGS RANDOLPH FROM DOUGLAS M. COSTLE REGARDING DEFINITION OF AMBIENT AIR
PN165-84-06-11-014	VOLUME 1	APPLICABILITY OF PSD INCREMENTS TO BUILDING ROOFTOPS
** ARSENIC		
PN112-86-10-01-009	VOLUME 2	GUIDELINE S-26 - ENFORCEMENT OF THE ARSENIC NESHAP FOR GLASS MANUFACTURING PLANTS
** ASBESTOS		
PN112-78-03-30-001	VOLUME 1	STATE ENFORCEMENT OF ASBESTOS DEMOLITION REGULATIONS IN LIGHT OF ADAMO WRECKING COMPANY V. UNITED STATES
PN112-85-02-08-006	VOLUME 1	REVISIONS TO ASBESTOS DEMOLITION AND RENOVATION CIVIL PENALTY POLICY
PN112-88-03-31-010	VOLUME 2	REVISED ASBESTOS NESHAP STRATEGY
PN113-88-08-11-046	VOLUME 2	LISTING ASBESTOS DEMOLITION AND RENOVATION COMPANIES PURSUANT TO SECTION 306 OF THE CLEAN AIR ACT
PN113-88-06-30-050	VOLUME 2	ASBESTOS CONTRACTOR LISTING
** ASPHALT REGULATIONS		
PN172-79-03-06-014	VOLUME 1	CUTBACK ASPHALT VOC REGULATIONS
PN172-79-10-04-021	VOLUME 1	CLARIFICATION FOR FINAL SIP ACTIONS ON ASPHALT REGULATIONS
PN172-86-09-29-058	VOLUME 2	SEASONAL VOC CONTROLS
** ATTAINMENT DATE POLICY		
PN172-79-01-16-012	VOLUME 1	CONTINUITY OF SIP REGULATIONS - REVISED ENCLOSURE
PN172-82-10-29-041	VOLUME 1	QUESTIONS AND ANSWERS ON 1982 OZONE AND CO SIPS
** ATTAINMENT DEMONSTRATION		
PN107-83-04-21-008	VOLUME 1	SECTION 107 DESIGNATION POLICY SUMMARY
PN107-85-04-08-009	VOLUME 1	LETTER TO JUDGE TERRY ROBERTS FROM GERALD A. EMISON

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN110-83-03-18-063	VOLUME 1	LETTER TO HARRY H. HOVEY RE EPA POLICY WITH REGARD TO AMBIENT AIR
PN110-87-05-11-088	VOLUME 2	GUIDANCE ON ACCOUNTING FOR TRENDS IN PARTICULATE MATTER EMISSION AND AIR QUALITY DATA
PN110-88-06-17-094	VOLUME 2	DEMONSTRATION OF "REPRESENTATIVE EMISSION CONDITIONS" FOR USE IN "EXPECTED EXCEEDANCE" DETERMINATIONS
PN172-78-03-10-002	VOLUME 1	EXAMPLE DEMONSTRATION OF ATTAINMENT FOR PHOTOCHEMICAL OXIDANTS
** ATTAINMENT EXTENSIONS		
PN172-81-01-22-039	VOLUME 1	STATE IMPLEMENTATION PLANS-APPROVAL OF 1982 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NEEDING AN ATTAINMENT DATE EXTENSION (46 FR 7182)
PN172-82-10-29-041	VOLUME 1	QUESTIONS AND ANSWERS ON 1982 OZONE AND CO SIPS
** AUTO COATINGS		
PN110-80-07-31-039	VOLUME 1	APPLICABILITY OF VOC CONTROL TECHNIQUE GUIDELINES (CTGS) TO THE AUTOMOBILE MANUFACTURING INDUSTRY
PN165-88-04-25-030	VOLUME 2	LAER EMISSION LIMITS FOR AUTOMOBILE AND LIGHT-DUTY TRUCK TOPCOAT OPERATIONS
PN172-78-10-06-008	VOLUME 1	COMMENTS ON AUTO INDUSTRY PROPOSALS
PN172-88-06-21-062	VOLUME 2	TRANSMITTAL OF AUTOMOBILE TOPCOAT PROTOCOL
PN172-88-12-01-066	VOLUME 2	RACT REQUIREMENTS IN OZONE NONATTAINMENT AREAS
PN172-89-10-24-077	VOLUME 2	COMPLIANCE TIME PERIOD FOR ELECTROPHORETIC PRIME-COATING OPERATIONS
** BACT DETERMINATIONS		
PN165-78-12-22-001	VOLUME 1	BACT INFORMATION FOR COAL-FIRED POWER PLANTS
PN165-86-11-24-016	VOLUME 2	NEED FOR A SHORT-TERM BEST AVAILABLE CONTROL TECHNOLOGY (BACT) ANALYSIS FOR THE PROPOSED WILLIAM A. ZIMMER POWER PLANT
PN165-87-04-22-019	VOLUME 2	HUNTSVILLE INCINERATOR - DETERMINING BEST AVAILABLE CONTROL TECHNOLOGY (BACT)
PN165-87-06-26-020	VOLUME 2	OPERATIONAL GUIDANCE ON CONTROL TECHNOLOGY FOR NEW AND MODIFIED MUNICIPAL WASTE COMBUSTORS(MWCs)
PN165-87-09-22-021	VOLUME 2	IMPLEMENTATION OF NORTH COUNTY RESOURCE RECOVERY PSD REMAND
PN165-87-12-01-022	VOLUME 2	IMPROVING NEW SOURCE REVIEW (NSR) IMPLEMENTATION
PN165-88-07-28-033	VOLUME 2	SUPPLEMENTAL GUIDANCE IN IMPLEMENTING THE NORTH COUNTY PREVENTION OF SIGNIFICANT DETERIORATION (PSD) REMAND
PN165-89-06-13-043	VOLUME 2	TRANSMITTAL OF BACKGROUND STATEMENT ON "TOP-DOWN" BEST AVAILABLE CONTROL TECHNOLOGY (BACT)
PN165-89-09-11-048	VOLUME 2	LETTER TO CHRISTOPHER J. DAGGETT FROM GERALD A. EMISON ON USE OF UREA INJECTION FOR NOX CONTROL FROM MUNICIPAL WASTE COMBUSTORS
PN172-88-06-21-062	VOLUME 2	TRANSMITTAL OF AUTOMOBILE TOPCOAT PROTOCOL
** BART GUIDELINES		
PN123-85-10-28-009	VOLUME 1	IMPLEMENTATION OF STACK HEIGHT REGULATIONS - PRESUMPTIVE NSPS EMISSION LIMIT FOR FLUID MODELING STACKS ABOVE FORMULA GEP HEIGHT
PN123-89-04-20-017	VOLUME 2	LETTER TO JOHN PROCTOR FROM G. EMISON

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** BENZENE		
PN110-85-08-27-071	VOLUME 1	CLASSIFICATION OF BENZENE AS A VOC
PN112-84-06-01-004	VOLUME 1	BENZENE NESHAP GUIDANCE
** BLOCK AVERAGES		
PN110-83-05-27-064	VOLUME 1	SUMMARY OF NAAQS INTERPRETATION
PN110-86-03-28-073	VOLUME 2	BLOCK AVERAGES IN IMPLEMENTING SO2 NAAQS
** BUILDING DOWNWASH		
PN165-89-03-31-040	VOLUME 2	APPLICATION OF BUILDING DOWNWASH IN PREVENTION OF SIGNIFICANT DETERIORATION (PSD) PERMIT ANALYSES
** BUILDING ROOFTOPS		
PN165-84-06-11-014	VOLUME 1	APPLICABILITY OF PSD INCREMENTS TO BUILDING ROOFTOPS
** CAN COATINGS		
PN172-80-11-20-032	VOLUME 1	COMPLIANCE WITH VOC EMISSION LIMITATIONS FOR CAN COATING OPERATIONS
** CAPTURE EFFICIENCY		
PN172-89-05-25-075	VOLUME 2	CORRECTING CAPTURE EFFICIENCY (CE) REGULATIONS
** CIVIL PENALTIES		
PN112-85-02-08-006	VOLUME 1	REVISIONS TO ASBESTOS DEMOLITION AND RENOVATION CIVIL PENALTY POLICY
PN113-87-03-25-035	VOLUME 2	REVISED CLEAN AIR ACT STATIONARY SOURCE CIVIL PENALTY POLICY
PN113-88-03-02-045	VOLUME 2	REVISIONS TO VOLATILE HAZARDOUS AIR POLLUTANT (VHAP) CIVIL PENALTY POLICY
** COAL SAMPLING AND ANALYSIS		
PN113-85-10-30-025	VOLUME 1	FINAL TECHNICAL GUIDANCE ON THE REVIEW AND USE OF COAL SAMPLING AND ANALYSIS DATA
** COLD CLEANER DEGREASERS		
PN172-80-07-02-029	VOLUME 1	EXEMPTION FOR COLD CLEANER DEGREASERS
** COMPLIANCE		
PN110-80-01-10-023A	VOLUME 1	ALTERNATE PROCEDURE FOR SECTION 110(F) RELIEF IN LOCALIZED, SHORT TERM ENERGY EMERGENCIES
PN110-80-05-09-034A	VOLUME 1	CLARIFICATION OF REQUIREMENTS FOR INCLUSION OF CONTINUOUS EMISSION MONITORING PROVISIONS IN STATE IMPLEMENTATION PLANS
PN111E-76-05-03-001	VOLUME 1	ENFORCEMENT OF NSPS REQUIREMENTS
PN111E-82-05-07-002	VOLUME 1	RESTATEMENT OF GUIDANCE ON EMISSIONS ASSOCIATED WITH SOOT BLOWING
PN112-84-06-01-004	VOLUME 1	BENZENE NESHAP GUIDANCE
PN112-84-07-11-005	VOLUME 1	VINYL CHLORIDE NESHAP ENFORCEMENT STRATEGY
PN112-85-02-08-006	VOLUME 1	REVISIONS TO ASBESTOS DEMOLITION AND RENOVATION CIVIL PENALTY POLICY
PN112-86-10-01-009	VOLUME 2	GUIDELINE S-26 - ENFORCEMENT OF THE ARSENIC NESHAP FOR GLASS MANUFACTURING PLANTS

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN112-88-03-31-010	VOLUME 2	REVISED ASBESTOS NESHAP STRATEGY
PN113-76-06-25-002	VOLUME 1	DOCUMENTATION OF VIOLATION EXTENDING 30 DAYS BEYOND NOTICE OF VIOLATION UNDER SECTION 113 OF THE CLEAN AIR ACT
PN113-80-03-11-006	VOLUME 1	INTERIM PARTICULATE CONTROLS
PN113-82-05-04-013	VOLUME 1	GUIDANCE ON POLICY FOR ENFORCEMENT OF VE VIOLATIONS AGAINST SOURCES WHICH ARE MEETING AN APPLICABLE MASS EMISSION STANDARD
PN113-83-02-15-017	VOLUME 1	POLICY ON EXCESS EMISSIONS DURING STARTUP, SHUTDOWN, MAINTENANCE, AND MALFUNCTIONS
PN113-83-01-12-018	VOLUME 1	GUIDANCE ON IMPLEMENTATION OF THE 1982 DEADLINE ENFORCEMENT POLICY ISSUED SEPTEMBER 20, 1982
PN113-84-12-20-022	VOLUME 1	POLICY ON NO-ACTION ASSURANCES
PN113-85-04-24-023	VOLUME 1	ACHIEVING VOC COMPLIANCE FROM DEPARTMENT OF DEFENSE CONTRACTOR FACILITIES
PN113-85-06-28-024	VOLUME 1	PARTICULATE MATTER INTERIM ENFORCEMENT POLICY
PN113-85-11-27-026	VOLUME 1	REVISED ENFORCEMENT POLICY RESPECTING SOURCES COMPLYING WITH CLEAN AIR ACT REQUIREMENTS BY SHUTDOWN
PN113-86-01-17-027	VOLUME 2	ISSUES #3(E) AND #5 OF THE VOC ISSUE RESOLUTION PROCESS: ESTABLISHING PROOF OF VOC EMISSIONS VIOLATIONS, AND BUBBLES IN CONSENT DECREES RESOLVING CIVIL ACTIONS UNDER SECTION 113(b) OF THE CLEAN AIR ACT
PN113-86-04-11-028	VOLUME 2	TIMELY AND APPROPRIATE ENFORCEMENT RESPONSE GUIDANCE
PN113-86-04-11-029	VOLUME 2	GUIDANCE ON FEDERALLY-REPORTABLE VIOLATIONS FOR STATIONARY AIR SOURCES
PN113-86-04-22-030	VOLUME 2	TRANSMITTAL OF NATIONAL PROGRAM GUIDANCE - ENFORCEMENT APPLICATIONS OF CONTINUOUS EMISSION MONITORING SYSTEM DATA
PN113-86-08-22-033	VOLUME 2	SAMPLE FEDERAL REGISTER LANGUAGE FOR PROPOSAL AND FINAL DCO'S
PN113-87-01-09-034	VOLUME 2	LETTER TO TOM BISPHAM ON CDS DATA REPORTING REQUIREMENTS
PN113-87-03-25-035	VOLUME 2	REVISED CLEAN AIR ACT STATIONARY SOURCE CIVIL PENALTY POLICY
PN113-87-06-25-037	VOLUME 2	PROPER AND TIMELY REVIEW OF STATE IMPLEMENTATION PLAN (SIP) REVISIONS
PN113-87-09-23-041	VOLUME 2	REVIEW OF STATE IMPLEMENTATION PLANS AND REVISIONS FOR ENFORCEABILITY AND LEGAL SUFFICIENCY
PN113-87-11-23-042	VOLUME 2	SETTLING ENFORCEMENT ACTIONS IN CLEAN AIR ACT NONATTAINMENT AREAS AGAINST STATIONARY SOURCES WHICH WILL NOT BE IN COMPLIANCE BY THE APPLICABLE ATTAINMENT DATE
PN113-87-12-31-043	VOLUME 2	GUIDANCE ON EVALUATING CLEAN AIR ACT ENFORCEMENT OF STATE IMPLEMENTATION PLAN VIOLATIONS INVOLVING PROPOSED STATE REVISIONS
PN113-88-03-02-045	VOLUME 2	REVISIONS TO VOLATILE HAZARDOUS AIR POLLUTANT (VHAP) CIVIL PENALTY POLICY
PN113-88-03-11-046	VOLUME 2	LISTING ASBESTOS DEMOLITION AND RENOVATION COMPANIES PURSUANT TO SECTION 306 OF THE CLEAN AIR ACT
PN113-88-03-31-048	VOLUME 2	TRANSMITTAL OF REISSUED OAQPS CEMS POLICY
PN114-77-12-02-001A	VOLUME 1	GUIDANCE FOR SECTION 114(D) OF THE CAA
PN114-81-05-13-002	VOLUME 1	REGIONAL OFFICE CRITERIA FOR NEUTRAL INSPECTIONS OF STATIONARY SOURCES - AMENDED GUIDANCE
PN114-83-12-15-003	VOLUME 1	EXECUTION OF CONFIDENTIALITY AGREEMENTS UNDER SECTION 114 OF THE CLEAN AIR ACT
PN114-84-09-06-004	VOLUME 1	FINAL GUIDANCE ON USE OF UNANNOUNCED INSPECTIONS
PN167-83-12-14-001	VOLUME 1	GUIDANCE ON ENFORCEMENT OF PREVENTION OF SIGNIFICANT DETERIORATION REQUIREMENTS UNDER THE CLEAN AIR ACT

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN167-88-07-15-003	VOLUME 2	PROCEDURES FOR EPA TO ADDRESS DEFICIENT NEW SOURCE PERMITS UNDER THE CLEAN AIR ACT
PN172-80-11-20-032	VOLUME 1	COMPLIANCE WITH VOC EMISSION LIMITATIONS FOR CAN COATING OPERATIONS
PN172-89-10-24-077	VOLUME 2	COMPLIANCE TIME PERIOD FOR ELECTROPHORETIC PRIME-COATING OPERATIONS
** COMPLIANCE MONITORING		
PN110-86-04-11-074	VOLUME 2	RESPONSES TO FIVE VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
PN113-82-08-12-014	VOLUME 1	GUIDANCE CONCERNING EPA'S USE OF CONTINUOUS EMISSION MONITORING DATA
PN113-86-04-22-030	VOLUME 2	TRANSMITTAL OF NATIONAL PROGRAM GUIDANCE - ENFORCEMENT APPLICATIONS OF CONTINUOUS EMISSION MONITORING SYSTEM DATA
PN114-88-03-31-006	VOLUME 2	COMPLIANCE MONITORING STRATEGY FOR FY 89
** COMPLIANCE SCHEDULES		
PN110-79-04-04-015	VOLUME 1	GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF STATE IMPLEMENTATION PLAN REVISIONS FOR NONATTAINMENT AREAS (44 FR 20372)
PN110-86-08-07-076	VOLUME 2	POLICY ON SIP REVISIONS REQUESTING COMPLIANCE DATE EXTENSIONS FOR VOC SOURCES
PN113-83-04-12-019	VOLUME 1	LETTER TO ROBERT R. WAHLER FROM KATHLEEN BENNETT RE ENFORCEMENT POLICY ON INTERIM PARTICULATE CONTROLS
PN113-86-08-07-032	VOLUME 2	POLICY ON THE AVAILABILITY OF LOW-SOLVENT TECHNOLOGY SCHEDULES IN CLEAN AIR ACT ENFORCEMENT ACTIONS
PN172-78-10-06-008	VOLUME 1	COMMENTS ON AUTO INDUSTRY PROPOSALS
PN172-81-01-22-039	VOLUME 1	STATE IMPLEMENTATION PLANS-APPROVAL OF 1982 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NEEDING AN ATTAINMENT DATE EXTENSION (46 FR 7182)
** CONFIDENTIALITY AGREEMENTS		
PN114-83-12-15-003	VOLUME 1	EXECUTION OF CONFIDENTIALITY AGREEMENTS UNDER SECTION 114 OF THE CLEAN AIR ACT
** CONSENT DECREES		
PN113-85-11-27-026	VOLUME 1	REVISED ENFORCEMENT POLICY RESPECTING SOURCES COMPLYING WITH CLEAN AIR ACT REQUIREMENTS BY SHUTDOWN
PN113-87-03-25-035	VOLUME 2	REVISED CLEAN AIR ACT STATIONARY SOURCE CIVIL PENALTY POLICY
PN113-87-11-23-042	VOLUME 2	SETTLING ENFORCEMENT ACTIONS IN CLEAN AIR ACT NONATTAINMENT AREAS AGAINST STATIONARY SOURCES WHICH WILL NOT BE IN COMPLIANCE BY THE APPLICABLE ATTAINMENT DATE
PN113-88-03-02-045	VOLUME 2	REVISIONS TO VOLATILE HAZARDOUS AIR POLLUTANT (VHAP) CIVIL PENALTY POLICY
** CONSTRUCTION BAN		
PN110-80-10-23-044	VOLUME 1	GROWTH RESTRICTIONS IN SECONDARY NAAQS NONATTAINMENT AREAS
PN165-84-01-09-012	VOLUME 1	INTERPRETATION OF THE POLICY ON COMPLIANCE WITH THE PROVISIONS OF PART D
** CONTINUOUS COMPLIANCE		
PN113-84-10-05-021	VOLUME 1	FINAL TECHNICAL GUIDANCE ON THE REVIEW AND USE OF EXCESS EMISSION REPORTS

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN113-86-04-11-029	VOLUME 2	GUIDANCE ON FEDERALLY-REPORTABLE VIOLATIONS FOR STATIONARY AIR SOURCES
PN113-88-07-05-051	VOLUME 2	TRANSMITTAL OF SO2 CONTINUOUS COMPLIANCE STRATEGY
** CONTINUOUS EMISSION MONITORING		
PN110-80-05-09-034A	VOLUME 1	CLARIFICATION OF REQUIREMENTS FOR INCLUSION OF CONTINUOUS EMISSION MONITORING PROVISIONS IN STATE IMPLEMENTATION PLANS
PN113-82-08-12-014	VOLUME 1	GUIDANCE CONCERNING EPA'S USE OF CONTINUOUS EMISSION MONITORING DATA
PN113-84-10-05-021	VOLUME 1	FINAL TECHNICAL GUIDANCE ON THE REVIEW AND USE OF EXCESS EMISSION REPORTS
PN113-86-04-22-030	VOLUME 2	TRANSMITTAL OF NATIONAL PROGRAM GUIDANCE - ENFORCEMENT APPLICATIONS OF CONTINUOUS EMISSION MONITORING SYSTEM DATA
PN113-88-03-31-048	VOLUME 2	TRANSMITTAL OF REISSUED OAQPS CEMS POLICY
** CONTRACTOR LISTING PROGRAM		
PN113-87-10-08-044	VOLUME 2	POLICY ON CORRECTING THE CONDITION GIVING RISE TO LISTING UNDER THE CONTRACTOR LISTING PROGRAM
PN113-88-03-11-046	VOLUME 2	LISTING ASBESTOS DEMOLITION AND RENOVATION COMPANIES PURSUANT TO SECTION 306 OF THE CLEAN AIR ACT
PN113-88-06-30-050	VOLUME 2	ASBESTOS CONTRACTOR LISTING
** CONTROL STRATEGY		
PN107-83-04-21-008	VOLUME 1	SECTION 107 DESIGNATION POLICY SUMMARY
PN110-80-07-31-039	VOLUME 1	APPLICABILITY OF VOC CONTROL TECHNIQUE GUIDELINES (CTGS) TO THE AUTOMOBILE MANUFACTURING INDUSTRY
PN110-90-07-05-106	VOLUME 2	PM-10 SIP DEMONSTRATIONS FOR SMALL ISOLATED AREAS WITH SPATIALLY UNIFORM EMISSIONS
** COST EFFECTIVENESS		
PN172-80-12-02-034	VOLUME 1	COST EFFECTIVENESS FOR RACT APPLICATION TO LEAKS FROM PETROLEUM REFINERY EQUIPMENT
** CROSS LINE AVERAGING		
PN172-89-04-07-073	VOLUME 2	BASELINE FOR CROSS-LINE AVERAGING
** CTGS		
PN110-79-09-17-020	VOLUME 1	GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - (SUPPLEMENT ON CONTROL TECHNIQUES GUIDELINES) (44 FR 53761)
PN110-80-07-31-039	VOLUME 1	APPLICABILITY OF VOC CONTROL TECHNIQUE GUIDELINES (CTGS) TO THE AUTOMOBILE MANUFACTURING INDUSTRY
PN110-80-08-04-040	VOLUME 1	APPLICABILITY OF PAPER COATING, FABRIC COATING, AND GRAPHIC ARTS CTGS
PN172-78-08-04-004	VOLUME 1	REQUIREMENT FOR VOC RACT REGULATIONS IN ALL OXIDANT NONATTAINMENT AREAS
PN172-78-10-06-008	VOLUME 1	COMMENTS ON AUTO INDUSTRY PROPOSALS
PN172-79-06-20-018	VOLUME 1	MODIFICATIONS TO RECOMMENDATIONS FOR SOLVENT METAL CLEANING
PN172-79-08-21-019	VOLUME 1	STATE IMPLEMENTATION PLANS: GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - SUPPLEMENT (ON REVISED SCHEDULES FOR SUBMISSION OF VOLATILE ORGANIC CHEMICAL RACT REGULATIONS)

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN172-79-08-22-020	VOLUME 1	STATE IMPLEMENTATION PLANS/REVISED SCHEDULES FOR SUBMITTING RACT REGULATIONS FOR STATIONARY SOURCES OF VOLATILE ORGANIC COMPOUNDS(VOC)
PN172-80-06-16-027	VOLUME 1	GASOLINE TANK TRUCK REGULATIONS
PN172-80-07-02-029	VOLUME 1	EXEMPTION FOR COLD CLEANER DEGREASERS
PN172-80-09-03-030	VOLUME 1	MISCELLANEOUS METAL PARTS AND PRODUCTS CTG - EMISSION LIMITS FOR COATING OF SHIPPING PAILS AND DRUMS
PN172-80-12-02-034	VOLUME 1	COST EFFECTIVENESS FOR RACT APPLICATION TO LEAKS FROM PETROLEUM REFINERY EQUIPMENT
PN172-80-12-02-035	VOLUME 1	RACT FOR SPECIALTY PRINTING OPERATIONS
PN172-84-06-25-046	VOLUME 1	APPLICABILITY OF GROUP III CONTROL TECHNIQUES GUIDELINES (CTG'S)
PN172-84-06-25-047	VOLUME 1	CONFIRMATION OF DEFINITION OF "100 TON-PER-YEAR (100 TPY) SOURCE"
PN172-84-09-14-048	VOLUME 1	VOLATILE ORGANIC COMPOUND (VOC) TEST METHODS OR PROCEDURES FOR SOURCE CATEGORIES IN GROUPS I, II, AND III CONTROL TECHNIQUES GUIDELINES (CTGS)
PN172-84-12-21-049	VOLUME 1	CONNECTICUT VOLATILE ORGANIC COMPOUND (VOC) ISSUES
PN172-85-07-02-051	VOLUME 1	RESIDUAL VOLATILE ORGANIC COMPOUND (VOC) CONTAINED IN COATING LINE PRODUCTS
PN172-86-02-28-052	VOLUME 2	RESPONSES TO FOUR VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
PN172-87-06-25-054	VOLUME 2	EMISSION CUT-OFF FOR CONTROL TECHNIQUES GUIDELINES VOLATILE ORGANIC COMPOUND SOURCES
PN172-86-01-09-057	VOLUME 2	CLARIFICATION OF CTG RACT RECOMMENDATIONS FOR HIGH-DENSITY POLYETHYLENE, POLYPROPYLENE, AND POLYSTYRENE
PN172-88-08-23-063	VOLUME 2	LETTER TO WILLIAM JURIS ON VOC EMISSION CUTOFF
** DEGREASER REGULATIONS		
PN172-78-08-24-006	VOLUME 1	CLARIFICATION OF EPA POLICY ON EMISSIONS FOR METHYL CHLOROFORM
PN172-79-12-12-023	VOLUME 1	EXEMPTIONS FOR DEGREASERS
PN172-80-07-02-029	VOLUME 1	EXEMPTION FOR COLD CLEANER DEGREASERS
PN172-84-06-25-047	VOLUME 1	CONFIRMATION OF DEFINITION OF "100 TON-PER-YEAR (100 TPY) SOURCE"
** DELAYED COMPLIANCE ORDERS		
PN113-78-07-27-005	VOLUME 1	ENFORCEMENT UNDER CLEAN AIR ACT AMENDMENTS - ORDERS UNDER SECTION 113(A) AND 113(D)
PN113-80-05-27-007	VOLUME 1	DELAYED COMPLIANCE ORDERS REQUIRING SIP COMPLIANCE THROUGH TEMPORARY CONTROL MEASURES - AMENDED GUIDANCE
PN113-83-01-12-018	VOLUME 1	GUIDANCE ON IMPLEMENTATION OF THE 1982 DEADLINE ENFORCEMENT POLICY ISSUED SEPTEMBER 20, 1982
PN113-83-04-26-020	VOLUME 1	PROCEDURES FOR REVIEW AND FEDERAL REGISTER PUBLICATION OF DELAYED COMPLIANCE ORDERS UNDER SECTION 113(D) OF THE CLEAN AIR ACT
PN113-86-06-02-031	VOLUME 2	113(d)(4) LETTER TO CAN MANUFACTURERS INSTITUTE
PN113-86-08-22-033	VOLUME 2	SAMPLE FEDERAL REGISTER LANGUAGE FOR PROPOSAL AND FINAL DCO'S
PN172-89-03-16-071	VOLUME 2	COMPLIANCE SCHEDULES FOR VOLATILE ORGANIC COMPOUNDS (VOC's)
** DELEGATION OF AUTHORITY		
PN111E-86-09-11-004	VOLUME 2	DELEGATION OF NEW SOURCE PERFORMANCE STANDARDS (NSPS) AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) AUTHORITY TO STATE/LOCAL AGENCIES

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN112-82-03-24-002	VOLUME 1	DELEGATION OF AUTHORITY TO STATES: NESHAPS
PN165-85-05-09-015	VOLUME 1	IMPROVED NEW SOURCE REVIEW/PREVENTION OF SIGNIFICANT DETERIORATION (NSR/PSD) PROGRAM TRANSFER
PN165-89-02-15-037	VOLUME 2	GUIDANCE ON EARLY DELEGATION OF AUTHORITY FOR THE NITROGEN DIOXIDE (NO2) INCREMENTS PROGRAM
** DEPARTMENT OF DEFENSE FACILITIES		
PN113-85-04-24-023	VOLUME 1	ACHIEVING VOC COMPLIANCE FROM DEPARTMENT OF DEFENSE CONTRACTOR FACILITIES
** DESIGNATION CRITERIA		
PN107-82-09-16-007	VOLUME 1	MILWAUKEE SO2 NONATTAINMENT DESIGNATION
PN107-83-04-21-008	VOLUME 1	SECTION 107 DESIGNATION POLICY SUMMARY
PN107-85-04-08-009	VOLUME 1	LETTER TO JUDGE TERRY ROBERTS FROM GERALD A. EMISON
** DIRECT FINAL SIP PROCESSING		
PN110-87-12-23-092	VOLUME 2	EXPANDED USE OF DIRECT FINAL SIP PROCESSING
** DISPERSION TECHNIQUES		
PN123-85-10-28-008	VOLUME 1	IMPLEMENTATION OF STACK HEIGHT REGULATIONS - EXCEPTIONS FROM RESTRICTIONS ON CREDIT FOR MERGED STACKS
PN123-86-02-11-011	VOLUME 2	PRIORITY FOR REVIEW OF PARTICULATE MATTER SOURCES FOR COMPLIANCE WITH REVISED STACK HEIGHT REGULATIONS
PN123-88-05-17-016	VOLUME 2	APPLICATION OF THE INTERIM POLICY FOR STACK HEIGHT REGULATORY ACTIONS
** DRUM AND PAIL COATINGS		
PN172-80-09-03-030	VOLUME 1	MISCELLANEOUS METAL PARTS AND PRODUCTS CTG - EMISSION LIMITS FOR COATING OF SHIPPING PAILS AND DRUMS
** DUAL DEFINITION		
PN165-84-01-09-012	VOLUME 1	INTERPRETATION OF THE POLICY ON COMPLIANCE WITH THE PROVISIONS OF PART D
** ECONOMIC FEASIBILITY		
PN110-86-04-11-074	VOLUME 2	RESPONSES TO FIVE VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
PN110-87-01-20-080	VOLUME 2	DETERMINATION OF ECONOMIC FEASIBILITY
** EKMA		
PN172-78-10-26-009	VOLUME 1	OZONE TRANSPORT VALUES FOR SIP REVISIONS
PN172-81-01-22-039	VOLUME 1	STATE IMPLEMENTATION PLANS-APPROVAL OF 1982 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NEEDING AN ATTAINMENT DATE EXTENSION (46 FR 7182)
** EMERGENCY SIP SUSPENSIONS		
PN110-80-01-10-023A	VOLUME 1	ALTERNATE PROCEDURE FOR SECTION 110(F) RELIEF IN LOCALIZED, SHORT TERM ENERGY EMERGENCIES

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** EMISSION INVENTORIES		
PN172-79-03-06-014	VOLUME 1	CUTBACK ASPHALT VOC REGULATIONS
PN172-80-12-02-034	VOLUME 1	COST EFFECTIVENESS FOR RACT APPLICATION TO LEAKS FROM PETROLEUM REFINERY EQUIPMENT
PN172-81-05-21-038	VOLUME 1	1982 OZONE AND CARBON MONOXIDE SIP GUIDANCE INDEX
PN172-81-01-22-039	VOLUME 1	STATE IMPLEMENTATION PLANS-APPROVAL OF 1982 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NEEDING AN ATTAINMENT DATE EXTENSION (46 FR 7182)
PN172-89-01-27-069	VOLUME 2	TRANSMITTAL OF QUESTIONS AND ANSWERS ON EMISSION INVENTORIES FOR POST-1987 OZONE AND CARBON MONOXIDE STATE IMPLEMENTATION PLAN CALL AREAS
** EMISSION OFFSETS		
PN110-80-03-10-030	VOLUME 1	EMISSION OFFSET REQUIREMENTS IN SECONDARY STANDARD TOTAL SUSPENDED PARTICULATE PLANS
PN110-80-10-23-044	VOLUME 1	GROWTH RESTRICTIONS IN SECONDARY NAAQS NONATTAINMENT AREAS
PN165-85-05-09-015	VOLUME 1	IMPROVED NEW SOURCE REVIEW/PREVENTION OF SIGNIFICANT DETERIORATION (NSR/PSD) PROGRAM TRANSFER
PN172-79-05-25-016	VOLUME 1	SUBMISSION OF STATE AIR PERMITS AS SIP REVISIONS
** EMISSIONS TRADING		
PN110-80-07-31-039	VOLUME 1	APPLICABILITY OF VOC CONTROL TECHNIQUE GUIDELINES (CTGS) TO THE AUTOMOBILE MANUFACTURING INDUSTRY
PN110-80-08-08-041	VOLUME 1	THE BUBBLE POLICY AND STATE IMPLEMENTATION PLANS UNDER CLEAN AIR ACT SECTION 111D
PN110-82-11-24-061	VOLUME 1	SIP ACTIONS AND TOXIC POLLUTANTS
PN110-85-01-02-070	VOLUME 1	REGIONAL IMPLEMENTATION OF MODELING GUIDANCE
PN110-86-12-04-077	VOLUME 2	EMISSIONS TRADING POLICY STATEMENT (51 FR 43814)
PN113-86-01-17-027	VOLUME 2	ISSUES #3(E) AND #5 OF THE VOC ISSUE RESOLUTION PROCESS: ESTABLISHING PROOF OF VOC EMISSIONS VIOLATIONS, AND BUBBLES IN CONSENT DECREES RESOLVING CIVIL ACTIONS UNDER SECTION 113(b) OF THE CLEAN AIR ACT
PN165-84-01-20-013	VOLUME 1	PSD INCREMENT CONSUMPTION CALCULATIONS
PN172-84-01-20-045	VOLUME 1	AVERAGING TIMES FOR COMPLIANCE WITH VOC EMISSION LIMITS - SIP REVISION POLICY
PN172-89-04-07-073	VOLUME 2	BASELINE FOR CROSS-LINE AVERAGING
** ENERGY CONSERVATION		
PN175-80-04-23-006	VOLUME 1	IMPLEMENTATION OF EXECUTIVE ORDER 12185, CONSERVATION OF PETROLEUM AND NATURAL GAS
** ENERGY EMERGENCIES		
PN110-80-01-10-023A	VOLUME 1	ALTERNATE PROCEDURE FOR SECTION 110(F) RELIEF IN LOCALIZED, SHORT TERM ENERGY EMERGENCIES
** EXCESS EMISSIONS		
PN113-83-02-15-017	VOLUME 1	POLICY ON EXCESS EMISSIONS DURING STARTUP, SHUTDOWN, MAINTENANCE, AND MALFUNCTIONS

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN113-84-10-05-021	VOLUME 1	FINAL TECHNICAL GUIDANCE ON THE REVIEW AND USE OF EXCESS EMISSION REPORTS
** EXPECTED EXCEEDANCE		
PN110-88-06-17-094	VOLUME 2	DEMONSTRATION OF "REPRESENTATIVE EMISSION CONDITIONS" FOR USE IN "EXPECTED EXCEEDANCE" DETERMINATIONS
** FABRIC COATING		
PN110-80-08-04-040	VOLUME 1	APPLICABILITY OF PAPER COATING, FABRIC COATING, AND GRAPHIC ARTS CTGS
PN172-80-12-02-035	VOLUME 1	RACT FOR SPECIALTY PRINTING OPERATIONS
** FEDERAL ENFORCEMENT		
PN112-84-06-01-004	VOLUME 1	BENZENE NESHAP GUIDANCE
PN112-84-07-11-005	VOLUME 1	VINYL CHLORIDE NESHAP ENFORCEMENT STRATEGY
PN112-85-02-08-006	VOLUME 1	REVISIONS TO ASBESTOS DEMOLITION AND RENOVATION CIVIL PENALTY POLICY
PN112-86-10-01-009	VOLUME 2	GUIDELINE S-26 - ENFORCEMENT OF THE ARSENIC NESHAP FOR GLASS MANUFACTURING PLANTS
PN112-88-03-31-010	VOLUME 2	REVISED ASBESTOS NESHAP STRATEGY
PN113-85-04-24-023	VOLUME 1	ACHIEVING VOC COMPLIANCE FROM DEPARTMENT OF DEFENSE CONTRACTOR FACILITIES
PN113-86-04-22-030	VOLUME 2	TRANSMITTAL OF NATIONAL PROGRAM GUIDANCE - ENFORCEMENT APPLICATIONS OF CONTINUOUS EMISSION MONITORING SYSTEM DATA
PN113-87-03-25-035	VOLUME 2	REVISED CLEAN AIR ACT STATIONARY SOURCE CIVIL PENALTY POLICY
PN113-87-07-06-038	VOLUME 2	SMALL VOC SOURCE COMPLIANCE STRATEGY - FINAL
PN113-87-09-11-040	VOLUME 2	REPORTING REQUIREMENTS AND SUPPLEMENTAL GUIDANCE: SMALL VOC SOURCE COMPLIANCE STRATEGY
PN113-87-09-23-041	VOLUME 2	REVIEW OF STATE IMPLEMENTATION PLANS AND REVISIONS FOR ENFORCEABILITY AND LEGAL SUFFICIENCY
PN113-87-11-23-042	VOLUME 2	SETTLING ENFORCEMENT ACTIONS IN CLEAN AIR ACT NONATTAINMENT AREAS AGAINST STATIONARY SOURCES WHICH WILL NOT BE IN COMPLIANCE BY THE APPLICABLE ATTAINMENT DATE
PN113-87-12-31-043	VOLUME 2	GUIDANCE ON EVALUATING CLEAN AIR ACT ENFORCEMENT OF STATE IMPLEMENTATION PLAN VIOLATIONS INVOLVING PROPOSED STATE REVISIONS
PN113-88-03-02-045	VOLUME 2	REVISIONS TO VOLATILE HAZARDOUS AIR POLLUTANT (VHAP) CIVIL PENALTY POLICY
PN113-88-03-31-049	VOLUME 2	IMPLEMENTATION OF RULE EFFECTIVENESS STUDIES
PN165-87-04-08-018	VOLUME 2	CLARIFICATION OF NEW SOURCE REVIEW POLICY ON AVERAGING TIMES FOR PRODUCTION LIMITATIONS
PN167-83-12-14-001	VOLUME 1	GUIDANCE ON ENFORCEMENT OF PREVENTION OF SIGNIFICANT DETERIORATION REQUIREMENTS UNDER THE CLEAN AIR ACT
PN167-88-03-29-002	VOLUME 2	OPINION IN U.S. V. LOUISIANA-PACIFIC CORPORATION
** FEDERALLY-REPORTABLE VIOLATIONS		
PN113-86-04-11-029	VOLUME 2	GUIDANCE ON FEDERALLY-REPORTABLE VIOLATIONS FOR STATIONARY AIR SOURCES
** FLUID MODELING		
PN123-85-09-19-006	VOLUME 1	GUIDANCE ON FLUID MODEL DEMONSTRATIONS FOR DETERMINING GEP STACK HEIGHT IN COMPLEX TERRAIN

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN123-85-10-28-009	VOLUME 1	IMPLEMENTATION OF STACK HEIGHT REGULATIONS - PRESUMPTIVE NSPS EMISSION LIMIT FOR FLUID MODELING STACKS ABOVE FORMULA GEP HEIGHT
PN123-85-10-28-010	VOLUME 1	DETERMINING STACK HEIGHTS "IN EXISTENCE" BEFORE DECEMBER 31, 1970
** FUEL SHORTAGES ANALYSIS		
PN124-78-07-31-001	VOLUME 1	IMPLEMENTING SECTION 124 OF THE CLEAN AIR ACT
** GASOLINE TANK TRUCKS		
PN172-80-06-16-027	VOLUME 1	GASOLINE TANK TRUCK REGULATIONS
** GLASS MANUFACTURING		
PN112-86-10-01-009	VOLUME 2	GUIDELINE S-26 - ENFORCEMENT OF THE ARSENIC NESHAP FOR GLASS MANUFACTURING PLANTS
** GRAPHIC ARTS		
PN110-80-08-04-040	VOLUME 1	APPLICABILITY OF PAPER COATING, FABRIC COATING, AND GRAPHIC ARTS CTGS
PN172-80-12-02-035	VOLUME 1	RACT FOR SPECIALTY PRINTING OPERATIONS
PN172-84-06-25-047	VOLUME 1	CONFIRMATION OF DEFINITION OF "100 TON-PER-YEAR (100 TPY) SOURCE"
PN172-87-09-09-055	VOLUME 2	ALTERNATIVE COMPLIANCE FOR GRAPHIC ARTS RACT
** INCORPORATION BY REFERENCE		
PN110-80-09-25-043	VOLUME 1	INCORPORATION BY REFERENCE OF SIP REVISIONS
** INSPECTION/MAINTENANCE		
PN110-78-07-17-007	VOLUME 1	INSPECTION/MAINTENANCE POLICY
PN110-82-08-11-060	VOLUME 1	REVIEW OF 1982 OZONE AND CO SIPS
PN172-81-05-21-038	VOLUME 1	1982 OZONE AND CARBON MONOXIDE SIP GUIDANCE INDEX
PN172-81-01-22-039	VOLUME 1	STATE IMPLEMENTATION PLANS-APPROVAL OF 1982 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NEEDING AN ATTAINMENT DATE EXTENSION (46 FR 7182)
** INSPECTIONS AND ENTRY		
PN114-77-12-02-001A	VOLUME 1	GUIDANCE FOR SECTION 114(D) OF THE CAA
PN114-84-09-06-004	VOLUME 1	FINAL GUIDANCE ON USE OF UNANNOUNCED INSPECTIONS
** INTERGOVERNMENTAL CONSULTATION		
PN110-79-06-18-066	VOLUME 1	REQUIREMENTS FOR PREPARATION, ADOPTION AND SUBMITTAL OF IMPLEMENTATION PLANS: INTERGOVERNMENTAL CONSULTATION (FR CITATION)
** INTERIM CONTROL POLICY		
PN113-88-03-31-047	VOLUME 2	TRANSMITTAL OF OAQPS INTERIM CONTROL POLICY STATEMENT
** INTERNATIONAL POLLUTION		
PN115-78-01-31-001	VOLUME 1	ACCOUNTING FOR POLLUTION ACROSS INTERNATIONAL BOUNDARIES
PN115-78-03-20-002	VOLUME 1	INTERNATIONAL POLLUTION (EL PASO/JUAREZ)

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** INTERSTATE AIR POLLUTION		
PN126-78-03-16-001	VOLUME 1	OUT OF STATE SOURCES EFFECT ON IMPLEMENTATION PLAN REVISION
PN126-89-01-11-005	VOLUME 2	LETTER TO THOMAS JORLING REGARDING INTERSTATE AIR POLLUTION CRITERIA
** LAER DETERMINATIONS		
PN165-87-06-26-020	VOLUME 2	OPERATIONAL GUIDANCE ON CONTROL TECHNOLOGY FOR NEW AND MODIFIED MUNICIPAL WASTE COMBUSTORS(MWCs)
PN165-87-12-01-022	VOLUME 2	IMPROVING NEW SOURCE REVIEW (NSR) IMPLEMENTATION
PN165-88-04-25-030	VOLUME 2	LAER EMISSION LIMITS FOR AUTOMOBILE AND LIGHT-DUTY TRUCK TOPCOAT OPERATIONS
PN165-88-08-29-034	VOLUME 2	TRANSFER OF TECHNOLOGY IN DETERMINING LOWEST ACHIEVABLE EMISSION RATE (LAER)
PN165-89-02-28-038	VOLUME 2	GUIDANCE ON DETERMINING LOWEST ACHIEVABLE EMISSION RATE (LAER)
PN165-89-02-24-046	VOLUME 2	CUT-OFF DATE FOR DETERMINING LAER IN MAJOR NEW SOURCE PERMITTING
PN165-89-08-09-047	VOLUME 2	LAER DETERMINATION FOR A PREVIOUSLY CONSTRUCTED SOURCE
PN172-88-06-21-062	VOLUME 2	TRANSMITTAL OF AUTOMOBILE TOPCOAT PROTOCOL
PN172-90-02-28-078	VOLUME 2	LOWEST ACHIEVABLE EMISSION LIMITS (LAER) FOR OZONE NONATTAINMENT AREAS
** LANDFILLS		
PN165-87-10-06-029	VOLUME 2	EMISSIONS FROM LANDFILLS
** LEAD SIPS		
PN107-83-04-21-008	VOLUME 1	SECTION 107 DESIGNATION POLICY SUMMARY
PN110-79-06-14-016	VOLUME 1	LEAD SIPS
PN110-79-11-21-023	VOLUME 1	MINIMUM NUMBER OF SAMPLES FOR DETERMINING QUARTERLY AVERAGE LEAD CONCENTRATION
PN110-80-04-08-032	VOLUME 1	NEW SOURCE REVIEW REQUIREMENTS FOR LEAD
PN110-83-05-26-068	VOLUME 1	DEFINITION OF AMBIENT AIR FOR LEAD
PN110-83-03-14-087	VOLUME 1	ISSUES ON LEAD SIPS
** LETTER NOTICE		
PN110-89-01-30-102	VOLUME 2	PROCEDURES FOR LETTER NOTICE APPROVAL OF MINOR SIP ACTIONS
** LOW SOLVENT COATINGS		
PN113-86-08-07-032	VOLUME 2	POLICY ON THE AVAILABILITY OF LOW-SOLVENT TECHNOLOGY SCHEDULES IN CLEAN AIR ACT ENFORCEMENT ACTIONS
PN172-80-11-20-032	VOLUME 1	COMPLIANCE WITH VOC EMISSION LIMITATIONS FOR CAN COATING OPERATIONS
** MARINE VESSELS		
PN172-89-02-15-070	VOLUME 2	MARINE VESSEL VAPOR CONTROL
** METAL CAN MANUFACTURING		
PN113-86-06-02-031	VOLUME 2	113(d)(4) LETTER TO CAN MANUFACTURERS INSTITUTE

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** METAL PARTS COATINGS		
PN172-80-09-03-030	VOLUME 1	MISCELLANEOUS METAL PARTS AND PRODUCTS CTG - EMISSION LIMITS FOR COATING OF SHIPPING PAILS AND DRUMS
PN172-89-04-03-072	VOLUME 2	APPLICABILITY OF MISCELLANEOUS METAL PARTS AND PRODUCTS COATINGS REGULATIONS TO ADHESIVES, SEALANTS AND FILLERS
PN172-89-04-07-073	VOLUME 2	BASELINE FOR CROSS-LINE AVERAGING
** METHYL CHLOROFORM		
PN172-78-08-24-006	VOLUME 1	CLARIFICATION OF EPA POLICY ON EMISSIONS FOR METHYL CHLOROFORM
PN172-79-05-25-017	VOLUME 1	CLARIFICATION OF AGENCY POLICY CONCERNING OZONE SIP REVISIONS AND SOLVENT REACTIVITIES
** METHYLENE CHLORIDE		
PN172-79-05-25-017	VOLUME 1	CLARIFICATION OF AGENCY POLICY CONCERNING OZONE SIP REVISIONS AND SOLVENT REACTIVITIES
** MODIFIED SOURCE		
PN165-86-07-07-024	VOLUME 2	PREVENTION OF SIGNIFICANT DETERIORATION (PSD) DEFINITION OF "MODIFICATION"
PN165-86-10-21-025	VOLUME 2	APPLICABILITY OF PSD TO PORTIONS OF A PLANT CONSTRUCTED IN PHASES WITHOUT PERMITS
PN165-86-12-01-026	VOLUME 2	NEED FOR EMISSION CAP ON COMPLEX NETTING SOURCES
PN165-89-04-10-041	VOLUME 2	PREVENTION OF SIGNIFICANT DETERIORATION (PSD) APPLICABILITY TO SULFUR DIOXIDE (SO2) EMISSIONS FROM INCINERATION OF TOTAL REDUCED SULFUR (TRS) COMPOUNDS
PN165-90-01-18-049	VOLUME 2	LETTER TO MORTON STERLING OF DETROIT EDISON FROM GERALD E. EMISON
** MUNICIPAL WASTE INCINERATION		
PN165-87-04-22-019	VOLUME 2	HUNTSVILLE INCINERATOR - DETERMINING BEST AVAILABLE CONTROL TECHNOLOGY (BACT)
PN165-87-06-26-020	VOLUME 2	OPERATIONAL GUIDANCE ON CONTROL TECHNOLOGY FOR NEW AND MODIFIED MUNICIPAL WASTE COMBUSTORS(MWCs)
PN165-88-06-07-031	VOLUME 2	RESPONSE TO REQUEST FOR PREVENTION OF SIGNIFICANT DETERIORATION (PSD) APPLICABILITY DETERMINATION
PN165-89-09-11-048	VOLUME 2	LETTER TO CHRISTOPHER J. DAGGETT FROM GERALD A. EMISON ON USE OF UREA INJECTION FOR NOX CONTROL FROM MUNICIPAL WASTE COMBUSTORS
** MUNICIPAL WASTEWATER TREATMENT WORKS		
PN172-80-08-11-043	VOLUME 1	MUNICIPAL WASTEWATER TREATMENT WORKS: CONSTRUCTION GRANTS LIMITATION PROVIDED BY SECTION 316 OF THE CLEAN AIR ACT: POLICY AND PROCEDURES (FR CITATION)
** NESHAP		
PN111E-86-09-11-004	VOLUME 2	DELEGATION OF NEW SOURCE PERFORMANCE STANDARDS (NSPS) AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) AUTHORITY TO STATE/LOCAL AGENCIES

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN112-78-03-30-001	VOLUME 1	STATE ENFORCEMENT OF ASBESTOS DEMOLITION REGULATIONS IN LIGHT OF ADAMO WRECKING COMPANY V. UNITED STATES
PN112-82-03-24-002	VOLUME 1	DELEGATION OF AUTHORITY TO STATES: NESHAPS
PN112-84-06-01-004	VOLUME 1	BENZENE NESHAP GUIDANCE
PN112-84-07-11-005	VOLUME 1	VINYL CHLORIDE NESHAP ENFORCEMENT STRATEGY
PN112-85-02-08-006	VOLUME 1	REVISIONS TO ASBESTOS DEMOLITION AND RENOVATION CIVIL PENALTY POLICY
PN112-86-10-01-009	VOLUME 2	GUIDELINE S-26 - ENFORCEMENT OF THE ARSENIC NESHAP FOR GLASS MANUFACTURING PLANTS
PN112-88-03-31-010	VOLUME 2	REVISED ASBESTOS NESHAP STRATEGY
PN113-85-11-27-026	VOLUME 1	REVISED ENFORCEMENT POLICY RESPECTING SOURCES COMPLYING WITH CLEAN AIR ACT REQUIREMENTS BY SHUTDOWN
PN113-86-04-11-028	VOLUME 2	TIMELY AND APPROPRIATE ENFORCEMENT RESPONSE GUIDANCE
PN114-81-05-13-002	VOLUME 1	REGIONAL OFFICE CRITERIA FOR NEUTRAL INSPECTIONS OF STATIONARY SOURCES - AMENDED GUIDANCE
PN114-84-09-06-004	VOLUME 1	FINAL GUIDANCE ON USE OF UNANNOUNCED INSPECTIONS
PN120-80-09-12-001	VOLUME 1	PRIORITIES FOR ISSUING NOTICES OF NONCOMPLIANCE
** NEW SOURCE REVIEW		
PN110-80-04-08-032	VOLUME 1	NEW SOURCE REVIEW REQUIREMENTS FOR LEAD
PN123-85-10-10-007	VOLUME 1	QUESTIONS AND ANSWERS ON IMPLEMENTING THE REVISED STACK HEIGHT REGULATION
PN123-88-05-17-016	VOLUME 2	APPLICATION OF THE INTERIM POLICY FOR STACK HEIGHT REGULATORY ACTIONS
PN165-80-12-16-007	VOLUME 1	INTERPRETATION OF "SIGNIFICANT CONTRIBUTION"
PN165-84-01-09-012	VOLUME 1	INTERPRETATION OF THE POLICY ON COMPLIANCE WITH THE PROVISIONS OF PART D
PN165-84-06-11-014	VOLUME 1	APPLICABILITY OF PSD INCREMENTS TO BUILDING ROOFTOPS
PN165-85-05-09-015	VOLUME 1	IMPROVED NEW SOURCE REVIEW/PREVENTION OF SIGNIFICANT DETERIORATION (NSR/PSD) PROGRAM TRANSFER
PN165-87-02-27-017	VOLUME 2	PLANTWIDE DEFINITION OF MAJOR STATIONARY SOURCES OF AIR POLLUTION
PN165-87-04-08-018	VOLUME 2	CLARIFICATION OF NEW SOURCE REVIEW POLICY ON AVERAGING TIMES FOR PRODUCTION LIMITATIONS
PN165-87-04-22-019	VOLUME 2	HUNTSVILLE INCINERATOR - DETERMINING BEST AVAILABLE CONTROL TECHNOLOGY (BACT)
PN165-87-06-26-020	VOLUME 2	OPERATIONAL GUIDANCE ON CONTROL TECHNOLOGY FOR NEW AND MODIFIED MUNICIPAL WASTE COMBUSTORS(MWCs)
PN165-87-12-01-022	VOLUME 2	IMPROVING NEW SOURCE REVIEW (NSR) IMPLEMENTATION
PN165-85-06-28-023	VOLUME 1	MEMO TO WILLIAM S. BAKER ON SEASONAL AFTERBURNER POLICY
PN165-87-10-06-029	VOLUME 2	EMISSIONS FROM LANDFILLS
PN165-88-07-05-032	VOLUME 2	AIR QUALITY ANALYSIS FOR PREVENTION OF SIGNIFICANT DETERIORATION (PSD)
PN165-89-06-13-043	VOLUME 2	TRANSMITTAL OF BACKGROUND STATEMENT ON "TOP-DOWN" BEST AVAILABLE CONTROL TECHNOLOGY (BACT)
PN165-89-02-24-046	VOLUME 2	CUT-OFF DATE FOR DETERMINING LAER IN MAJOR NEW SOURCE PERMITTING
PN165-89-08-09-047	VOLUME 2	LAER DETERMINATION FOR A PREVIOUSLY CONSTRUCTED SOURCE
PN167-88-07-15-003	VOLUME 2	PROCEDURES FOR EPA TO ADDRESS DEFICIENT NEW SOURCE PERMITS UNDER THE CLEAN AIR ACT

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** NO-ACTION ASSURANCES		
PN113-84-12-20-022	VOLUME 1	POLICY ON NO-ACTION ASSURANCES
** NO2 SIPS		
PN110-83-05-27-064	VOLUME 1	SUMMARY OF NAAQS INTERPRETATION
PN165-89-02-15-037	VOLUME 2	GUIDANCE ON EARLY DELEGATION OF AUTHORITY FOR THE NITROGEN DIOXIDE (NO2) INCREMENTS PROGRAM
PN165-89-08-24-044	VOLUME 2	GUIDANCE ON IMPLEMENTING THE NITROGEN DIOXIDE (NO2) PREVENTION OF SIGNIFICANT DETERIORATION (PSD) INCREMENTS
** NON-DISCRETIONARY ENFORCEMENT DUTIES		
PN113-75-11-05-001	VOLUME 1	NON-DISCRETIONARY ENFORCEMENT DUTIES - ISSUANCE OF NOTICES OF VIOLATION
** NONATTAINMENT AREAS		
PN107-82-09-16-007	VOLUME 1	MILWAUKEE SO2 NONATTAINMENT DESIGNATION
PN107-83-04-21-008	VOLUME 1	SECTION 107 DESIGNATION POLICY SUMMARY
PN110-78-02-24-002	VOLUME 1	CRITERIA FOR APPROVAL OF 1979 SIP REVISIONS
PN110-79-04-04-015	VOLUME 1	GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF STATE IMPLEMENTATION PLAN REVISIONS FOR NONATTAINMENT AREAS (44 FR 20372)
PN110-79-07-02-017	VOLUME 1	GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - SUPPLEMENT (ON PUBLIC COMMENT AND CONDITIONAL APPROVAL) (44 FR 38583)
PN110-79-09-17-020	VOLUME 1	GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - (SUPPLEMENT ON CONTROL TECHNIQUES GUIDELINES) (44 FR 53761)
PN110-80-10-23-044	VOLUME 1	GROWTH RESTRICTIONS IN SECONDARY NAAQS NONATTAINMENT AREAS
PN110-88-11-04-098	VOLUME 2	GUIDANCE ON LONG-TERM NONATTAINMENT OF THE PM10 STANDARDS
PN113-83-01-12-018	VOLUME 1	GUIDANCE ON IMPLEMENTATION OF THE 1982 DEADLINE ENFORCEMENT POLICY ISSUED SEPTEMBER 20, 1982
PN113-85-11-27-026	VOLUME 1	REVISED ENFORCEMENT POLICY RESPECTING SOURCES COMPLYING WITH CLEAN AIR ACT REQUIREMENTS BY SHUTDOWN
PN113-87-11-23-042	VOLUME 2	SETTLING ENFORCEMENT ACTIONS IN CLEAN AIR ACT NONATTAINMENT AREAS AGAINST STATIONARY SOURCES WHICH WILL NOT BE IN COMPLIANCE BY THE APPLICABLE ATTAINMENT DATE
PN113-88-03-31-049	VOLUME 2	IMPLEMENTATION OF RULE EFFECTIVENESS STUDIES
PN172-83-11-02-044	VOLUME 1	COMPLIANCE WITH THE STATUTORY PROVISIONS OF PART D OF THE CLEAN AIR ACT - FINAL (48 FR 50686)
PN172-84-06-25-046	VOLUME 1	APPLICABILITY OF GROUP III CONTROL TECHNIQUES GUIDELINES (CTG'S)
PN172-84-06-25-047	VOLUME 1	CONFIRMATION OF DEFINITION OF "100 TON-PER-YEAR (100 TPY) SOURCE"
PN172-84-09-14-048	VOLUME 1	VOLATILE ORGANIC COMPOUND (VOC) TEST METHODS OR PROCEDURES FOR SOURCE CATEGORIES IN GROUPS I, II, AND III CONTROL TECHNIQUES GUIDELINES (CTGS)
PN172-84-12-21-049	VOLUME 1	CONNECTICUT VOLATILE ORGANIC COMPOUND (VOC) ISSUES
PN172-85-07-02-051	VOLUME 1	RESIDUAL VOLATILE ORGANIC COMPOUND (VOC) CONTAINED IN COATING LINE PRODUCTS
PN172-86-10-30-053	VOLUME 2	INCLUSION OF CLEAN-UP SOLVENTS IN DETERMINING APPLICABILITY TO THE 100-TON PER YEAR NON-CTG REQUIREMENTS

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN172-87-06-25-054	VOLUME 2	EMISSION CUT-OFF FOR CONTROL TECHNIQUES GUIDELINES VOLATILE ORGANIC COMPOUND SOURCES
PN172-87-09-11-059	VOLUME 2	GEOGRAPHIC APPLICABILITY OF CLEAN AIR ACT SANCTIONS
PN172-87-12-10-060	VOLUME 2	LETTER TO LEONARD LEDBETTER ON USE OF POTENTIAL VS ACTUAL EMISSIONS FOR VOC REGULATIONS
PN172-88-05-27-061	VOLUME 2	TRANSMITTAL OF EPA GUIDANCE ON VOC ISSUES
PN172-88-09-07-064	VOLUME 2	AIR PROGRAMS APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS COMPLIANCE WITH THE STATUTORY PROVISIONS OF PART D AND SECTION 110 OF THE CLEAN AIR ACT (FR CITATION)
PN172-88-12-01-066	VOLUME 2	RACT REQUIREMENTS IN OZONE NONATTAINMENT AREAS
PN172-90-02-28-078	VOLUME 2	LOWEST ACHIEVABLE EMISSION LIMITS (LAER) FOR OZONE NONATTAINMENT AREAS
PN172-90-06-18-079	VOLUME 2	OZONE AND CARBON MONOXIDE DESIGN VALUE CALCULATIONS
PN175-80-06-12-008	VOLUME 1	PROCEDURES FOR CONFORMANCE OF TRANSPORTATION PLANS, PROGRAMS AND PROJECTS WITH CLEAN AIR ACT STATE IMPLEMENTATION PLANS
PN175-80-06-23-009	VOLUME 1	PUBLIC PARTICIPATION IN THE STATE IMPLEMENTATION PLAN - TRANSPORTATION REVISION PROCESS: EXPANDED GUIDELINES (FR CITATION)
PN176-79-06-08-001	VOLUME 1	IMPACT OF CLEAN AIR ACT NONATTAINMENT SANCTIONS
** NONCOMPLIANCE		
PN120-80-09-12-001	VOLUME 1	PRIORITIES FOR ISSUING NOTICES OF NONCOMPLIANCE
PN120-81-02-12-003	VOLUME 1	IMPLEMENTATION OF NONCOMPLIANCE PENALTY PROGRAM UNDER SECTION 120 OF THE CLEAN AIR ACT
PN120-81-04-02-004	VOLUME 1	SETTLEMENT OF NONCOMPLIANCE PENALTY ASSESSMENTS UNDER SECTION 120 OF THE CLEAN AIR ACT, AS AMENDED
PN120-81-04-30-005	VOLUME 1	ISSUANCES OF NOTICES OF NONCOMPLIANCE UNDER SECTION 120 OF THE CLEAN AIR ACT TO SEASONAL SOURCES
PN120-85-03-19-006	VOLUME 1	PERMISSIBLE GROUNDS FOR SETTLEMENT OF NONCOMPLIANCE PENALTIES UNDER SECTION 120 OF THE CLEAN AIR ACT
PN120-85-03-19-007	VOLUME 1	GUIDANCE CONCERNING IMPLEMENTATION OF SECTION 120 OF THE CLEAN AIR ACT IN FISCAL YEAR 1985
** NOTICES OF VIOLATION		
PN113-75-11-05-001	VOLUME 1	NON-DISCRETIONARY ENFORCEMENT DUTIES - ISSUANCE OF NOTICES OF VIOLATION
PN113-76-06-25-002	VOLUME 1	DOCUMENTATION OF VIOLATION EXTENDING 30 DAYS BEYOND NOTICE OF VIOLATION UNDER SECTION 113 OF THE CLEAN AIR ACT
PN113-83-01-12-018	VOLUME 1	GUIDANCE ON IMPLEMENTATION OF THE 1982 DEADLINE ENFORCEMENT POLICY ISSUED SEPTEMBER 20, 1982
** NSPS		
PN110-80-05-09-034A	VOLUME 1	CLARIFICATION OF REQUIREMENTS FOR INCLUSION OF CONTINUOUS EMISSION MONITORING PROVISIONS IN STATE IMPLEMENTATION PLANS
PN111E-76-05-03-001	VOLUME 1	ENFORCEMENT OF NSPS REQUIREMENTS
PN111E-82-05-07-002	VOLUME 1	RESTATEMENT OF GUIDANCE ON EMISSIONS ASSOCIATED WITH SOOT BLOWING
PN111E-86-09-11-004	VOLUME 2	DELEGATION OF NEW SOURCE PERFORMANCE STANDARDS (NSPS) AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) AUTHORITY TO STATE/LOCAL AGENCIES

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN113-82-08-12-014	VOLUME 1	GUIDANCE CONCERNING EPA'S USE OF CONTINUOUS EMISSION MONITORING DATA
PN113-84-10-05-021	VOLUME 1	FINAL TECHNICAL GUIDANCE ON THE REVIEW AND USE OF EXCESS EMISSION REPORTS
PN113-85-10-30-025	VOLUME 1	FINAL TECHNICAL GUIDANCE ON THE REVIEW AND USE OF COAL SAMPLING AND ANALYSIS DATA
PN113-85-11-27-026	VOLUME 1	REVISED ENFORCEMENT POLICY RESPECTING SOURCES COMPLYING WITH CLEAN AIR ACT REQUIREMENTS BY SHUTDOWN
PN114-81-05-13-002	VOLUME 1	REGIONAL OFFICE CRITERIA FOR NEUTRAL INSPECTIONS OF STATIONARY SOURCES - AMENDED GUIDANCE
PN120-80-09-12-001	VOLUME 1	PRIORITIES FOR ISSUING NOTICES OF NONCOMPLIANCE
PN123-85-10-28-009	VOLUME 1	IMPLEMENTATION OF STACK HEIGHT REGULATIONS - PRESUMPTIVE NSPS EMISSION LIMIT FOR FLUID MODELING STACKS ABOVE FORMULA GEP HEIGHT
PN165-86-07-07-024	VOLUME 2	PREVENTION OF SIGNIFICANT DETERIORATION (PSD) DEFINITION OF "MODIFICATION"
PN165-88-09-09-035	VOLUME 2	APPLICABILITY OF PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NEW SOURCE PERFORMANCE STANDARDS (NSPS) TO THE WISCONSIN ELECTRIC POWER COMPANY (WEPCO) PORT WASHINGTON LIFE EXTENSION PROJECT
PN165-88-10-14-036	VOLUME 2	LETTER TO JOHN BOSTON FROM LEE THOMAS ON WEPCO DETERMINATION
PN165-89-02-15-042	VOLUME 2	LETTER TO JOHN BOSTON FROM DON CLAY ON WEPCO DETERMINATION
PN165-90-06-08-050	VOLUME 2	LETTER TO JOHN BOSTON FROM WILLIAM G. ROSENBERG ON WEPCO DETERMINATION
PN172-78-08-24-006	VOLUME 1	CLARIFICATION OF EPA POLICY ON EMISSIONS FOR METHYL CHLOROFORM
** OPERATING PERMITS		
PN172-79-05-25-016	VOLUME 1	SUBMISSION OF STATE AIR PERMITS AS SIP REVISIONS
** ORGANISOLS		
PN172-85-04-25-050	VOLUME 1	CONSIDERATION OF ORGANISOLS IN VOLATILE ORGANIC COMPOUNDS (VOC) COMPLIANCE CALCULATIONS
** OZONE/CO CONTROL		
PN107-85-04-08-009	VOLUME 1	LETTER TO JUDGE TERRY ROBERTS FROM GERALD A. EMISON
PN107-85-10-08-010	VOLUME 1	OZONE AIR QUALITY DATA FOR REDESIGNATIONS
PN107-86-04-11-012	VOLUME 2	REQUIRED MONITORING PERIOD FOR OZONE REDESIGNATION IN UNCLASSIFIED AREAS
PN107-87-04-06-013	VOLUME 2	OZONE REDESIGNATION POLICY
PN110-79-09-17-020	VOLUME 1	GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - (SUPPLEMENT ON CONTROL TECHNIQUES GUIDELINES) (44 FR 53761)
PN110-82-08-11-060	VOLUME 1	REVIEW OF 1982 OZONE AND CO SIPS
PN110-83-05-27-064	VOLUME 1	SUMMARY OF NAAQS INTERPRETATION
PN110-80-07-22-067	VOLUME 1	(CITATION OF FR NOTICE ON SOLVENT REACTIVITIES)
PN110-85-08-27-071	VOLUME 1	CLASSIFICATION OF BENZENE AS A VOC
PN110-86-08-07-076	VOLUME 2	POLICY ON SIP REVISIONS REQUESTING COMPLIANCE DATE EXTENSIONS FOR VOC SOURCES
PN110-87-01-08-079	VOLUME 2	CLARIFICATION OF SEASONAL VOC CONTROL POLICY
PN110-87-04-17-081	VOLUME 2	DEFINITION OF VOC
PN113-87-07-06-038	VOLUME 2	SMALL VOC SOURCE COMPLIANCE STRATEGY - FINAL
PN113-87-09-11-040	VOLUME 2	REPORTING REQUIREMENTS AND SUPPLEMENTAL GUIDANCE: SMALL VOC SOURCE COMPLIANCE STRATEGY

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN113-88-03-31-049	VOLUME 2	IMPLEMENTATION OF RULE EFFECTIVENESS STUDIES
PN172-78-03-10-002	VOLUME 1	EXAMPLE DEMONSTRATION OF ATTAINMENT FOR PHOTOCHEMICAL OXIDANTS
PN172-78-08-04-004	VOLUME 1	REQUIREMENT FOR VOC RACT REGULATIONS IN ALL OXIDANT NONATTAINMENT AREAS
PN172-78-10-26-009	VOLUME 1	OZONE TRANSPORT VALUES FOR SIP REVISIONS
PN172-79-03-06-014	VOLUME 1	CUTBACK ASPHALT VOC REGULATIONS
PN172-79-05-25-017	VOLUME 1	CLARIFICATION OF AGENCY POLICY CONCERNING OZONE SIP REVISIONS AND SOLVENT REACTIVITIES
PN172-79-06-20-018	VOLUME 1	MODIFICATIONS TO RECOMMENDATIONS FOR SOLVENT METAL CLEANING
PN172-79-08-22-020	VOLUME 1	STATE IMPLEMENTATION PLANS/REVISED SCHEDULES FOR SUBMITTING RACT REGULATIONS FOR STATIONARY SOURCES OF VOLATILE ORGANIC COMPOUNDS(VOC)
PN172-79-12-12-023	VOLUME 1	EXEMPTIONS FOR DEGREASERS
PN172-80-07-02-029	VOLUME 1	EXEMPTION FOR COLD CLEANER DEGREASERS
PN172-80-09-03-030	VOLUME 1	MISCELLANEOUS METAL PARTS AND PRODUCTS CTG - EMISSION LIMITS FOR COATING OF SHIPPING PAILS AND DRUMS
PN172-80-11-20-032	VOLUME 1	COMPLIANCE WITH VOC EMISSION LIMITATIONS FOR CAN COATING OPERATIONS
PN172-80-12-01-033	VOLUME 1	REVISED SEASONAL AFTERBURNER POLICY
PN172-80-12-02-034	VOLUME 1	COST EFFECTIVENESS FOR RACT APPLICATION TO LEAKS FROM PETROLEUM REFINERY EQUIPMENT
PN172-80-12-02-035	VOLUME 1	RACT FOR SPECIALTY PRINTING OPERATIONS
PN172-81-02-06-036	VOLUME 1	STORAGE TANK VAPOR BALANCE REQUIREMENTS AT SYNTHESIZED PHARMACEUTICAL PRODUCTS MANUFACTURE FACILITIES
PN172-81-05-21-038	VOLUME 1	1982 OZONE AND CARBON MONOXIDE SIP GUIDANCE INDEX
PN172-81-01-22-039	VOLUME 1	STATE IMPLEMENTATION PLANS-APPROVAL OF 1982 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NEEDING AN ATTAINMENT DATE EXTENSION (46 FR 7182)
PN172-82-10-29-041	VOLUME 1	QUESTIONS AND ANSWERS ON 1982 OZONE AND CO SIPS
PN172-83-11-02-044	VOLUME 1	COMPLIANCE WITH THE STATUTORY PROVISIONS OF PART D OF THE CLEAN AIR ACT - FINAL (48 FR 50686)
PN172-84-06-25-047	VOLUME 1	CONFIRMATION OF DEFINITION OF "100 TON-PER-YEAR (100 TPY) SOURCE"
PN172-86-02-28-052	VOLUME 2	RESPONSES TO FOUR VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
PN172-86-09-29-058	VOLUME 2	SEASONAL VOC CONTROLS
PN172-87-09-11-059	VOLUME 2	GEOGRAPHIC APPLICABILITY OF CLEAN AIR ACT SANCTIONS
PN172-87-12-10-060	VOLUME 2	LETTER TO LEONARD LEDBETTER ON USE OF POTENTIAL VS ACTUAL EMISSIONS FOR VOC REGULATIONS
PN172-88-06-21-062	VOLUME 2	TRANSMITTAL OF AUTOMOBILE TOPCOAT PROTOCOL
PN172-88-09-07-064	VOLUME 2	AIR PROGRAMS APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS COMPLIANCE WITH THE STATUTORY PROVISIONS OF PART D AND SECTION 110 OF THE CLEAN AIR ACT (FR CITATION)
PN172-88-12-01-066	VOLUME 2	RACT REQUIREMENTS IN OZONE NONATTAINMENT AREAS
PN172-89-01-27-069	VOLUME 2	TRANSMITTAL OF QUESTIONS AND ANSWERS ON EMISSION INVENTORIES FOR POST-1987 OZONE AND CARBON MONOXIDE STATE IMPLEMENTATION PLAN CALL AREAS
PN172-90-02-28-078	VOLUME 2	LOWEST ACHIEVABLE EMISSION LIMITS (LAER) FOR OZONE NONATTAINMENT AREAS
PN172-90-06-18-079	VOLUME 2	OZONE AND CARBON MONOXIDE DESIGN VALUE CALCULATIONS

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** PAPER COATING		
PN110-80-08-04-040	VOLUME 1	APPLICABILITY OF PAPER COATING, FABRIC COATING, AND GRAPHIC ARTS CTGS
PN172-80-12-02-035	VOLUME 1	RACT FOR SPECIALTY PRINTING OPERATIONS
** PARTICULATE MATTER CONTROLS		
PN110-80-03-10-030	VOLUME 1	EMISSION OFFSET REQUIREMENTS IN SECONDARY STANDARD TOTAL SUSPENDED PARTICULATE PLANS
PN110-87-08-11-085	VOLUME 2	PROCESSING OF PARTICULATE MATTER STATE IMPLEMENTATION PLAN REVISIONS
PN110-87-05-11-088	VOLUME 2	GUIDANCE ON ACCOUNTING FOR TRENDS IN PARTICULATE MATTER EMISSION AND AIR QUALITY DATA
PN110-87-08-11-090	VOLUME 2	DEVELOPMENT PLAN FOR PM10 STATE IMPLEMENTATION PLANS (SIP's)
PN110-87-10-02-091	VOLUME 2	CLARIFICATION OF IMPLEMENTATION POLICIES FOR PM10 NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS)
PN110-88-09-06-097	VOLUME 2	PM10 SIP DEVELOPMENT: STATUS AND CONCERNS
PN110-88-11-04-098	VOLUME 2	GUIDANCE ON LONG-TERM NONATTAINMENT OF THE PM10 STANDARDS
PN110-88-11-21-099	VOLUME 2	REVISION TO POLICY ON THE USE OF PM10 MEASUREMENT DATA
PN110-89-06-30-103	VOLUME 2	RESPONSE TO PM10 CONTROL STRATEGY ISSUES
PN110-89-08-14-104	VOLUME 2	REVIEW OF PM-10 IMPLEMENTATION POLICY
PN110-90-06-18-105	VOLUME 2	REPLACEMENT OF SURROGATE PM-10 MONITORS
PN110-90-07-05-106	VOLUME 2	PM-10 SIP DEMONSTRATIONS FOR SMALL ISOLATED AREAS WITH SPATIALLY UNIFORM EMISSIONS
PN113-80-03-11-006	VOLUME 1	INTERIM PARTICULATE CONTROLS
PN113-83-04-12-019	VOLUME 1	LETTER TO ROBERT R. WAHLER FROM KATHLEEN BENNETT RE ENFORCEMENT POLICY ON INTERIM PARTICULATE CONTROLS
PN113-85-06-28-024	VOLUME 1	PARTICULATE MATTER INTERIM ENFORCEMENT POLICY
PN123-86-02-11-011	VOLUME 2	PRIORITY FOR REVIEW OF PARTICULATE MATTER SOURCES FOR COMPLIANCE WITH REVISED STACK HEIGHT REGULATIONS
PN165-87-08-05-028	VOLUME 2	IMPLEMENTATION OF REVISED PREVENTION OF SIGNIFICANT DETERIORATION (PSD) PROGRAM FOR PARTICULATE MATTER
** PERFORMANCE TESTS		
PN111E-76-05-03-001	VOLUME 1	ENFORCEMENT OF NSPS REQUIREMENTS
PN111E-82-05-07-002	VOLUME 1	RESTATEMENT OF GUIDANCE ON EMISSIONS ASSOCIATED WITH SOOT BLOWING
** PERMIT ENFORCEABILITY		
PN167-88-03-29-002	VOLUME 2	OPINION IN U.S. V. LOUISIANA-PACIFIC CORPORATION
PN167-88-07-15-003	VOLUME 2	PROCEDURES FOR EPA TO ADDRESS DEFICIENT NEW SOURCE PERMITS UNDER THE CLEAN AIR ACT
PN172-79-05-25-016	VOLUME 1	SUBMISSION OF STATE AIR PERMITS AS SIP REVISIONS
** PETROLEUM REFINERY LEAKS		
PN172-80-12-02-034	VOLUME 1	COST EFFECTIVENESS FOR RACT APPLICATION TO LEAKS FROM PETROLEUM REFINERY EQUIPMENT

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** PHARMACEUTICALS		
PN172-81-02-06-036	VOLUME 1	STORAGE TANK VAPOR BALANCE REQUIREMENTS AT SYNTHESIZED PHARMACEUTICAL PRODUCTS MANUFACTURE FACILITIES
** POLYETHYLENE		
PN172-86-01-09-057	VOLUME 2	CLARIFICATION OF CTG RACT RECOMMENDATIONS FOR HIGH-DENSITY POLYETHYLENE, POLYPROPYLENE, AND POLYSTYRENE
** POLYPROPYLENE		
PN172-86-01-09-057	VOLUME 2	CLARIFICATION OF CTG RACT RECOMMENDATIONS FOR HIGH-DENSITY POLYETHYLENE, POLYPROPYLENE, AND POLYSTYRENE
** POLYSTYRENE		
PN172-86-01-09-057	VOLUME 2	CLARIFICATION OF CTG RACT RECOMMENDATIONS FOR HIGH-DENSITY POLYETHYLENE, POLYPROPYLENE, AND POLYSTYRENE
** POWER PLANTS - COAL FIRED		
PN111E-76-05-03-001	VOLUME 1	ENFORCEMENT OF NSPS REQUIREMENTS
PN111E-82-05-07-002	VOLUME 1	RESTATEMENT OF GUIDANCE ON EMISSIONS ASSOCIATED WITH SOOT BLOWING
PN113-80-03-11-006	VOLUME 1	INTERIM PARTICULATE CONTROLS
PN113-83-04-12-019	VOLUME 1	LETTER TO ROBERT R. WAHLER FROM KATHLEEN BENNETT RE ENFORCEMENT POLICY ON INTERIM PARTICULATE CONTROLS
PN165-78-12-22-001	VOLUME 1	BACT INFORMATION FOR COAL-FIRED POWER PLANTS
** PRODUCTION LIMITATIONS		
PN165-87-04-08-018	VOLUME 2	CLARIFICATION OF NEW SOURCE REVIEW POLICY ON AVERAGING TIMES FOR PRODUCTION LIMITATIONS
** PSD		
PN110-87-09-21-086	VOLUME 2	AMBIENT AIR DEFINITION
PN113-87-05-27-036	VOLUME 2	REACTIVATION OF NORANDA LAKESHORE MINES' RLA PLANT AND PSD REVIEW
PN123-85-10-10-007	VOLUME 1	QUESTIONS AND ANSWERS ON IMPLEMENTING THE REVISED STACK HEIGHT REGULATION
PN123-88-05-17-016	VOLUME 2	APPLICATION OF THE INTERIM POLICY FOR STACK HEIGHT REGULATORY ACTIONS
PN165-81-04-03-006	VOLUME 1	LETTER TO NATIONAL PARK SERVICE FROM EDWARD F. TUERK REGARDING PSD PERMITS
PN165-80-12-16-007	VOLUME 1	INTERPRETATION OF "SIGNIFICANT CONTRIBUTION"
PN165-84-01-20-013	VOLUME 1	PSD INCREMENT CONSUMPTION CALCULATIONS
PN165-84-06-11-014	VOLUME 1	APPLICABILITY OF PSD INCREMENTS TO BUILDING ROOFTOPS
PN165-85-05-09-015	VOLUME 1	IMPROVED NEW SOURCE REVIEW/PREVENTION OF SIGNIFICANT DETERIORATION (NSR/PSD) PROGRAM TRANSFER
PN165-86-11-24-016	VOLUME 2	NEED FOR A SHORT-TERM BEST AVAILABLE CONTROL TECHNOLOGY (BACT) ANALYSIS FOR THE PROPOSED WILLIAM A. ZIMMER POWER PLANT
PN165-87-02-27-017	VOLUME 2	PLANTWIDE DEFINITION OF MAJOR STATIONARY SOURCES OF AIR POLLUTION
PN165-87-06-26-020	VOLUME 2	OPERATIONAL GUIDANCE ON CONTROL TECHNOLOGY FOR NEW AND MODIFIED MUNICIPAL WASTE COMBUSTORS(MWCs)
PN165-87-09-22-021	VOLUME 2	IMPLEMENTATION OF NORTH COUNTY RESOURCE RECOVERY PSD REMAND

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PM165-87-12-01-022	VOLUME 2	IMPROVING NEW SOURCE REVIEW (NSR) IMPLEMENTATION
PM165-86-07-07-024	VOLUME 2	PREVENTION OF SIGNIFICANT DETERIORATION (PSD) DEFINITION OF "MODIFICATION"
PM165-86-10-21-025	VOLUME 2	APPLICABILITY OF PSD TO PORTIONS OF A PLANT CONSTRUCTED IN PHASES WITHOUT PERMITS
PM165-86-12-01-026	VOLUME 2	NEED FOR EMISSION CAP ON COMPLEX NETTING SOURCES
PM165-87-01-29-027	VOLUME 2	IMPLEMENTATION OF THE REVISED MODELING GUIDELINE FOR PREVENTION OF SIGNIFICANT DETERIORATION (PSD)
PM165-87-08-05-028	VOLUME 2	IMPLEMENTATION OF REVISED PREVENTION OF SIGNIFICANT DETERIORATION (PSD) PROGRAM FOR PARTICULATE MATTER
PM165-88-06-07-031	VOLUME 2	RESPONSE TO REQUEST FOR PREVENTION OF SIGNIFICANT DETERIORATION (PSD) APPLICABILITY DETERMINATION
PM165-88-07-05-032	VOLUME 2	AIR QUALITY ANALYSIS FOR PREVENTION OF SIGNIFICANT DETERIORATION (PSD)
PM165-88-07-28-033	VOLUME 2	SUPPLEMENTAL GUIDANCE IN IMPLEMENTING THE NORTH COUNTY PREVENTION OF SIGNIFICANT DETERIORATION (PSD) REMAND
PM165-88-09-09-035	VOLUME 2	APPLICABILITY OF PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NEW SOURCE PERFORMANCE STANDARDS (NSPS) TO THE WISCONSIN ELECTRIC POWER COMPANY (WEPCO) PORT WASHINGTON LIFE EXTENSION PROJECT
PM165-88-10-14-036	VOLUME 2	LETTER TO JOHN BOSTON FROM LEE THOMAS ON WEPCO DETERMINATION
PM165-89-02-15-037	VOLUME 2	GUIDANCE ON EARLY DELEGATION OF AUTHORITY FOR THE NITROGEN DIOXIDE (NO2) INCREMENTS PROGRAM
PM165-89-03-16-039	VOLUME 2	USE OF ALLOWABLE EMISSIONS FOR NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS) IMPACT ANALYSES UNDER THE REQUIREMENTS FOR PREVENTION OF SIGNIFICANT DETERIORATION (PSD)
PM165-89-03-31-040	VOLUME 2	APPLICATION OF BUILDING DOWNWASH IN PREVENTION OF SIGNIFICANT DETERIORATION (PSD) PERMIT ANALYSES
PM165-89-04-10-041	VOLUME 2	PREVENTION OF SIGNIFICANT DETERIORATION (PSD) APPLICABILITY TO SULFUR DIOXIDE (SO2) EMISSIONS FROM INCINERATION OF TOTAL REDUCED SULFUR (TRS) COMPOUNDS
PM165-89-02-15-042	VOLUME 2	LETTER TO JOHN BOSTON FROM DON CLAY ON WEPCO DETERMINATION
PM165-89-06-13-043	VOLUME 2	TRANSMITTAL OF BACKGROUND STATEMENT ON "TOP-DOWN" BEST AVAILABLE CONTROL TECHNOLOGY (BACT)
PM165-89-08-24-044	VOLUME 2	GUIDANCE ON IMPLEMENTING THE NITROGEN DIOXIDE (NO2) PREVENTION OF SIGNIFICANT DETERIORATION (PSD) INCREMENTS
PM165-89-09-18-045	VOLUME 2	REQUEST FOR CLARIFICATION OF POLICY REGARDING THE "NET EMISSIONS INCREASE"
PM165-89-08-09-047	VOLUME 2	LAER DETERMINATION FOR A PREVIOUSLY CONSTRUCTED SOURCE
PM165-90-01-18-049	VOLUME 2	LETTER TO MORTON STERLING OF DETROIT EDISON FROM GERALD E. EMISON
PM165-90-06-08-050	VOLUME 2	LETTER TO JOHN BOSTON FROM WILLIAM G. ROSENBERG ON WEPCO DETERMINATION
PM167-83-12-14-001	VOLUME 1	GUIDANCE ON ENFORCEMENT OF PREVENTION OF SIGNIFICANT DETERIORATION REQUIREMENTS UNDER THE CLEAN AIR ACT
PM167-88-03-29-002	VOLUME 2	OPINION IN U.S. V. LOUISIANA-PACIFIC CORPORATION
PM172-79-05-25-016	VOLUME 1	SUBMISSION OF STATE AIR PERMITS AS SIP REVISIONS
** PUBLIC COMMENT		
PM110-79-07-02-017	VOLUME 1	GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - SUPPLEMENT (ON PUBLIC COMMENT AND CONDITIONAL APPROVAL) (44 FR 38583)

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN110-79-09-17-020	VOLUME 1	GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - (SUPPLEMENT ON CONTROL TECHNIQUES GUIDELINES) (44 FR 53761)
** RACT DETERMINATIONS		
PN110-82-08-11-060	VOLUME 1	REVIEW OF 1982 OZONE AND CO SIPS
PN110-87-01-20-080	VOLUME 2	DETERMINATION OF ECONOMIC FEASIBILITY
PN113-83-01-12-018	VOLUME 1	GUIDANCE ON IMPLEMENTATION OF THE 1982 DEADLINE ENFORCEMENT POLICY ISSUED SEPTEMBER 20, 1982
PN172-80-11-20-032	VOLUME 1	COMPLIANCE WITH VOC EMISSION LIMITATIONS FOR CAN COATING OPERATIONS
PN172-84-01-20-045	VOLUME 1	AVERAGING TIMES FOR COMPLIANCE WITH VOC EMISSION LIMITS - SIP REVISION POLICY
PN172-85-07-02-051	VOLUME 1	RESIDUAL VOLATILE ORGANIC COMPOUND (VOC) CONTAINED IN COATING LINE PRODUCTS
PN172-86-02-28-052	VOLUME 2	RESPONSES TO FOUR VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
PN172-86-01-09-057	VOLUME 2	CLARIFICATION OF CTG RACT RECOMMENDATIONS FOR HIGH-DENSITY POLYETHYLENE, POLYPROPYLENE, AND POLYSTYRENE
PN172-88-06-21-062	VOLUME 2	TRANSMITTAL OF AUTOMOBILE TOPCOAT PROTOCOL
PN172-88-08-23-063	VOLUME 2	LETTER TO WILLIAM JURIS ON VOC EMISSION CUTOFF
PN172-88-11-04-065	VOLUME 2	EPA AUTHORITY TO REQUEST CHANGES IN RACT RULES
PN172-88-12-01-066	VOLUME 2	RACT REQUIREMENTS IN OZONE NONATTAINMENT AREAS
PN172-90-02-28-078	VOLUME 2	LOWEST ACHIEVABLE EMISSION LIMITS (LAER) FOR OZONE NONATTAINMENT AREAS
** REACTIVITY		
PN110-77-07-08-065	VOLUME 1	(CITATION OF FR NOTICE ENTITLED "RECOMMENDED POLICY ON CONTROL OF VOLATILE ORGANIC COMPOUNDS")
PN110-85-08-27-071	VOLUME 1	CLASSIFICATION OF BENZENE AS A VOC
PN110-87-04-17-081	VOLUME 2	DEFINITION OF VOC
PN110-87-07-21-089	VOLUME 2	DEFINITION OF VOLATILE ORGANIC COMPOUNDS (VOC's)
** REASONABLE FURTHER PROGRESS		
PN165-85-05-09-015	VOLUME 1	IMPROVED NEW SOURCE REVIEW/PREVENTION OF SIGNIFICANT DETERIORATION (NSR/PSD) PROGRAM TRANSFER
PN172-81-01-22-039	VOLUME 1	STATE IMPLEMENTATION PLANS-APPROVAL OF 1982 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NEEDING AN ATTAINMENT DATE EXTENSION (46 FR 7182)
** REDESIGNATION PROCEDURES		
PN107-82-09-16-007	VOLUME 1	MILWAUKEE SO2 NONATTAINMENT DESIGNATION
PN107-83-04-21-008	VOLUME 1	SECTION 107 DESIGNATION POLICY SUMMARY
PN107-85-10-08-010	VOLUME 1	OZONE AIR QUALITY DATA FOR REDESIGNATIONS
PN107-86-04-11-012	VOLUME 2	REQUIRED MONITORING PERIOD FOR OZONE REDESIGNATION IN UNCLASSIFIED AREAS
PN107-87-04-06-013	VOLUME 2	OZONE REDESIGNATION POLICY
PN107-88-04-05-014	VOLUME 2	LETTER TO NANCY MALOLEY ON REDESIGNATION OF 2 INDIANA COUNTIES
PN110-83-05-27-064	VOLUME 1	SUMMARY OF NAAQS INTERPRETATION

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN110-86-12-10-078	VOLUME 2	RULEMAKING ON STATE IMPLEMENTATION PLANS (SIP'S) FOR SO2
** REGIONAL CONSISTENCY		
PN110-82-08-11-060	VOLUME 1	REVIEW OF 1982 OZONE AND CO SIPS
PN301-81-01-20-001	VOLUME 1	IMPLEMENTATION OF THE REGIONAL CONSISTENCY REGULATIONS
** REPRESENTATIVE EMISSION CONDITIONS		
PN110-88-06-17-094	VOLUME 2	DEMONSTRATION OF "REPRESENTATIVE EMISSION CONDITIONS" FOR USE IN "EXPECTED EXCEEDANCE" DETERMINATIONS
** RESOURCE RECOVERY FACILITIES		
PN165-87-09-22-021	VOLUME 2	IMPLEMENTATION OF NORTH COUNTY RESOURCE RECOVERY PSD REMAND
PN165-88-07-28-033	VOLUME 2	SUPPLEMENTAL GUIDANCE IN IMPLEMENTING THE NORTH COUNTY PREVENTION OF SIGNIFICANT DETERIORATION (PSD) REMAND
** RISK ANALYSIS		
PN112-85-09-17-008	VOLUME 1	PREPARATION OF QUANTITATIVE ANALYSIS IN AGENCY DECISION-MAKING
** RISK REDUCTION		
PN112-85-06-xx-007	VOLUME 1	REPRINT OF THE EPA AIR TOXICS STRATEGY (REFERENCE ONLY)
** RULE EFFECTIVENESS		
PN113-88-03-31-049	VOLUME 2	IMPLEMENTATION OF RULE EFFECTIVENESS STUDIES
** RURAL NONATTAINMENT		
PN172-84-06-25-046	VOLUME 1	APPLICABILITY OF GROUP III CONTROL TECHNIQUES GUIDELINES (CTG'S)
** SANCTIONS		
PN110-80-10-23-044	VOLUME 1	GROWTH RESTRICTIONS IN SECONDARY NAAQS NONATTAINMENT AREAS
PN115-78-03-20-002	VOLUME 1	INTERNATIONAL POLLUTION (EL PASO/JUAREZ)
PN172-80-08-11-043	VOLUME 1	MUNICIPAL WASTEWATER TREATMENT WORKS: CONSTRUCTION GRANTS LIMITATION PROVIDED BY SECTION 316 OF THE CLEAN AIR ACT: POLICY AND PROCEDURES (FR CITATION)
PN172-83-11-02-044	VOLUME 1	COMPLIANCE WITH THE STATUTORY PROVISIONS OF PART D OF THE CLEAN AIR ACT - FINAL (48 FR 50686)
PN172-87-09-11-059	VOLUME 2	GEOGRAPHIC APPLICABILITY OF CLEAN AIR ACT SANCTIONS
PN176-79-06-08-001	VOLUME 1	IMPACT OF CLEAN AIR ACT NONATTAINMENT SANCTIONS
** SEASONAL CONTROLS		
PN110-87-01-08-079	VOLUME 2	CLARIFICATION OF SEASONAL VOC CONTROL POLICY
PN120-81-04-30-005	VOLUME 1	ISSUANCES OF NOTICES OF NONCOMPLIANCE UNDER SECTION 120 OF THE CLEAN AIR ACT TO SEASONAL SOURCES
PN165-85-06-28-023	VOLUME 1	MEMO TO WILLIAM S. BAKER ON SEASONAL AFTERBURNER POLICY
PN172-80-12-01-033	VOLUME 1	REVISED SEASONAL AFTERBURNER POLICY
PN172-86-02-28-052	VOLUME 2	RESPONSES TO FOUR VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN172-86-09-29-058	VOLUME 2	SEASONAL VOC CONTROLS
** SECONDARY STANDARDS		
PN110-80-03-10-030	VOLUME 1	EMISSION OFFSET REQUIREMENTS IN SECONDARY STANDARD TOTAL SUSPENDED PARTICULATE PLANS
PN110-80-10-23-044	VOLUME 1	GROWTH RESTRICTIONS IN SECONDARY NAAQS NONATTAINMENT AREAS
** SECTION 111D PLAN REQUIREMENTS		
PN110-78-03-24-003	VOLUME 1	PLANS UNDER SECTION 111D OF THE CLEAN AIR ACT
PN110-80-08-08-041	VOLUME 1	THE BUBBLE POLICY AND STATE IMPLEMENTATION PLANS UNDER CLEAN AIR ACT SECTION 111D
PN111D-81-09-14-001	VOLUME 1	EPA POLICY ON WELFARE-RELATED POLLUTANTS UNDER SECTION 111D
** SHUTDOWNS		
PN113-83-02-15-017	VOLUME 1	POLICY ON EXCESS EMISSIONS DURING STARTUP, SHUTDOWN, MAINTENANCE, AND MALFUNCTIONS
PN113-85-11-27-026	VOLUME 1	REVISED ENFORCEMENT POLICY RESPECTING SOURCES COMPLYING WITH CLEAN AIR ACT REQUIREMENTS BY SHUTDOWN
PN113-87-05-27-036	VOLUME 2	REACTIVATION OF NORANDA LAKESHORE MINES' RLA PLANT AND PSD REVIEW
** SIGNIFICANT VIOLATORS		
PN110-88-08-05-096	VOLUME 2	IDENTIFYING AND EXPEDITING SIP REVISIONS THAT IMPACT THE ENFORCEMENT PROCESS
PN113-83-01-12-018	VOLUME 1	GUIDANCE ON IMPLEMENTATION OF THE 1982 DEADLINE ENFORCEMENT POLICY ISSUED SEPTEMBER 20, 1982
PN113-86-04-11-028	VOLUME 2	TIMELY AND APPROPRIATE ENFORCEMENT RESPONSE GUIDANCE
** SIP COMPLETENESS CRITERIA		
PN110-88-03-18-093	VOLUME 2	POLICY FOR DETERMINING COMPLETENESS OF SIP SUBMITTALS
** SIP ENFORCEMENT		
PN110-78-03-24-003	VOLUME 1	PLANS UNDER SECTION 111D OF THE CLEAN AIR ACT
PN110-80-03-10-030	VOLUME 1	EMISSION OFFSET REQUIREMENTS IN SECONDARY STANDARD TOTAL SUSPENDED PARTICULATE PLANS
PN110-80-10-23-044	VOLUME 1	GROWTH RESTRICTIONS IN SECONDARY NAAQS NONATTAINMENT AREAS
PN111D-81-09-14-001	VOLUME 1	EPA POLICY ON WELFARE-RELATED POLLUTANTS UNDER SECTION 111D
PN113-76-08-12-003	VOLUME 1	ENFORCEMENT OF SIPS UNDERGOING REVISION
PN113-76-08-13-004	VOLUME 1	"REVIEWABILITY" OF EPA DETERMINATIONS IN SIP ENFORCEMENT ACTIONS
PN113-78-07-27-005	VOLUME 1	ENFORCEMENT UNDER CLEAN AIR ACT AMENDMENTS - ORDERS UNDER SECTION 113(A) AND 113(D)
PN113-80-05-27-007	VOLUME 1	DELAYED COMPLIANCE ORDERS REQUIRING SIP COMPLIANCE THROUGH TEMPORARY CONTROL MEASURES - AMENDED GUIDANCE
PN113-82-05-04-013	VOLUME 1	GUIDANCE ON POLICY FOR ENFORCEMENT OF VE VIOLATIONS AGAINST SOURCES WHICH ARE MEETING AN APPLICABLE MASS EMISSION STANDARD
PN113-82-08-12-014	VOLUME 1	GUIDANCE CONCERNING EPA'S USE OF CONTINUOUS EMISSION MONITORING DATA

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN113-84-12-20-022	VOLUME 1	POLICY ON NO-ACTION ASSURANCES
PN113-85-06-28-024	VOLUME 1	PARTICULATE MATTER INTERIM ENFORCEMENT POLICY
PN113-85-11-27-026	VOLUME 1	REVISED ENFORCEMENT POLICY RESPECTING SOURCES COMPLYING WITH CLEAN AIR ACT REQUIREMENTS BY SHUTDOWN
PN113-86-04-11-028	VOLUME 2	TIMELY AND APPROPRIATE ENFORCEMENT RESPONSE GUIDANCE
PN114-81-05-13-002	VOLUME 1	REGIONAL OFFICE CRITERIA FOR NEUTRAL INSPECTIONS OF STATIONARY SOURCES - AMENDED GUIDANCE
PN114-84-09-06-004	VOLUME 1	FINAL GUIDANCE ON USE OF UNANNOUNCED INSPECTIONS
PN120-80-09-12-001	VOLUME 1	PRIORITIES FOR ISSUING NOTICES OF NONCOMPLIANCE
PN172-79-05-25-016	VOLUME 1	SUBMISSION OF STATE AIR PERMITS AS SIP REVISIONS
PN172-86-02-28-052	VOLUME 2	RESPONSES TO FOUR VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
** SIP GRANDFATHERING		
PN110-88-06-27-095	VOLUME 2	"GRANDFATHERING" OF REQUIREMENTS FOR PENDING SIP REVISIONS
** SIP GUIDANCE INDEX		
PN172-81-05-21-038	VOLUME 1	1982 OZONE AND CARBON MONOXIDE SIP GUIDANCE INDEX
** SIP REQUIREMENTS - NOX		
PN110-80-05-09-034A	VOLUME 1	CLARIFICATION OF REQUIREMENTS FOR INCLUSION OF CONTINUOUS EMISSION MONITORING PROVISIONS IN STATE IMPLEMENTATION PLANS
** SIP REVIEW PROCEDURES		
PN107-83-04-21-008	VOLUME 1	SECTION 107 DESIGNATION POLICY SUMMARY
PN110-78-02-24-002	VOLUME 1	CRITERIA FOR APPROVAL OF 1979 SIP REVISIONS
PN110-80-09-25-043	VOLUME 1	INCORPORATION BY REFERENCE OF SIP REVISIONS
PN110-81-07-22-052	VOLUME 1	EXPERIMENTAL STATE IMPLEMENTATION PLAN (SIP) PROCESSING TECHNIQUES
PN110-81-11-09-055	VOLUME 1	NEW PROCEDURES FOR REVIEW OF STATE IMPLEMENTATION PLANS
PN110-82-06-23-059	VOLUME 1	REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF STATE IMPLEMENTATION PLANS-NEW SIP PROCESSING PROCEDURES TO SAVE TIME AND RESOURCES (FR CITATION)
PN110-82-08-11-060	VOLUME 1	REVIEW OF 1982 OZONE AND CO SIPS
PN110-83-03-18-063	VOLUME 1	LETTER TO HARRY H. HOVEY RE EPA POLICY WITH REGARD TO AMBIENT AIR
PN110-79-06-18-066	VOLUME 1	REQUIREMENTS FOR PREPARATION, ADOPTION AND SUBMITTAL OF IMPLEMENTATION PLANS: INTERGOVERNMENTAL CONSULTATION (FR CITATION)
PN110-87-12-23-092	VOLUME 2	EXPANDED USE OF DIRECT FINAL SIP PROCESSING
PN110-88-03-18-093	VOLUME 2	POLICY FOR DETERMINING COMPLETENESS OF SIP SUBMITTALS
PN110-88-06-27-095	VOLUME 2	"GRANDFATHERING" OF REQUIREMENTS FOR PENDING SIP REVISIONS
PN110-88-08-05-096	VOLUME 2	IDENTIFYING AND EXPEDITING SIP REVISIONS THAT IMPACT THE ENFORCEMENT PROCESS
PN110-89-01-19-100	VOLUME 2	STATE IMPLEMENTATION PLAN COMPLETENESS REVIEW (FR CITATION)
PN110-89-01-19-101	VOLUME 2	STATE IMPLEMENTATION PLAN PROCESSING REFORM (FR CITATION)
PN110-89-01-30-102	VOLUME 2	PROCEDURES FOR LETTER NOTICE APPROVAL OF MINOR SIP ACTIONS
PN113-87-06-25-037	VOLUME 2	PROPER AND TIMELY REVIEW OF STATE IMPLEMENTATION PLAN (SIP) REVISIONS

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN172-79-05-25-016	VOLUME 1	SUBMISSION OF STATE AIR PERMITS AS SIP REVISIONS
PN172-82-10-29-041	VOLUME 1	QUESTIONS AND ANSWERS ON 1982 OZONE AND CO SIPS
** SIP REVISIONS		
PN107-83-04-21-008	VOLUME 1	SECTION 107 DESIGNATION POLICY SUMMARY
PN110-83-05-27-064	VOLUME 1	SUMMARY OF NAAQS INTERPRETATION
PN110-86-08-07-076	VOLUME 2	POLICY ON SIP REVISIONS REQUESTING COMPLIANCE DATE EXTENSIONS FOR VOC SOURCES
PN113-87-09-23-041	VOLUME 2	REVIEW OF STATE IMPLEMENTATION PLANS AND REVISIONS FOR ENFORCEABILITY AND LEGAL SUFFICIENCY
PN113-87-12-31-043	VOLUME 2	GUIDANCE ON EVALUATING CLEAN AIR ACT ENFORCEMENT OF STATE IMPLEMENTATION PLAN VIOLATIONS INVOLVING PROPOSED STATE REVISIONS
PN165-84-01-09-012	VOLUME 1	INTERPRETATION OF THE POLICY ON COMPLIANCE WITH THE PROVISIONS OF PART D
PN165-85-05-09-015	VOLUME 1	IMPROVED NEW SOURCE REVIEW/PREVENTION OF SIGNIFICANT DETERIORATION (NSR/PSD) PROGRAM TRANSFER
PN169A-86-11-10-002	VOLUME 2	VISIBILITY PROTECTION STATE IMPLEMENTATION PLANS (SIP'S)--VISIBILITY SIP'S PART II
PN172-78-08-04-004	VOLUME 1	REQUIREMENT FOR VOC RACT REGULATIONS IN ALL OXIDANT NONATTAINMENT AREAS
PN172-79-01-16-012	VOLUME 1	CONTINUITY OF SIP REGULATIONS - REVISED ENCLOSURE
PN172-83-11-02-044	VOLUME 1	COMPLIANCE WITH THE STATUTORY PROVISIONS OF PART D OF THE CLEAN AIR ACT - FINAL (48 FR 50686)
PN172-84-01-20-045	VOLUME 1	AVERAGING TIMES FOR COMPLIANCE WITH VOC EMISSION LIMITS - SIP REVISION POLICY
PN172-87-09-09-055	VOLUME 2	ALTERNATIVE COMPLIANCE FOR GRAPHIC ARTS RACT
PN172-88-09-07-064	VOLUME 2	AIR PROGRAMS APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS COMPLIANCE WITH THE STATUTORY PROVISIONS OF PART D AND SECTION 110 OF THE CLEAN AIR ACT (FR CITATION)
PN175-80-06-12-008	VOLUME 1	PROCEDURES FOR CONFORMANCE OF TRANSPORTATION PLANS, PROGRAMS AND PROJECTS WITH CLEAN AIR ACT STATE IMPLEMENTATION PLANS
PN175-80-06-23-009	VOLUME 1	PUBLIC PARTICIPATION IN THE STATE IMPLEMENTATION PLAN - TRANSPORTATION REVISION PROCESS: EXPANDED GUIDELINES (FR CITATION)
** SO2 SIPS		
PN110-79-04-04-015	VOLUME 1	GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF STATE IMPLEMENTATION PLAN REVISIONS FOR NONATTAINMENT AREAS (44 FR 20372)
PN110-79-07-02-017	VOLUME 1	GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - SUPPLEMENT (ON PUBLIC COMMENT AND CONDITIONAL APPROVAL) (44 FR 38583)
PN110-79-09-17-020	VOLUME 1	GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - (SUPPLEMENT ON CONTROL TECHNIQUES GUIDELINES) (44 FR 53761)
PN110-83-05-27-064	VOLUME 1	SUMMARY OF NAAQS INTERPRETATION
PN110-86-03-28-073	VOLUME 2	BLOCK AVERAGES IN IMPLEMENTING SO2 NAAQS
PN110-86-05-23-075	VOLUME 2	LETTER TO NANCY MALOLEY FROM CRAIG POTTER ON THE INDIANA SO2 SIP
PN110-86-12-10-078	VOLUME 2	RULEMAKING ON STATE IMPLEMENTATION PLANS (SIP'S) FOR SO2

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN110-87-07-29-084	VOLUME 2	STATE IMPLEMENTATION PLANS FOR SULFUR DIOXIDE
PN113-83-02-15-017	VOLUME 1	POLICY ON EXCESS EMISSIONS DURING STARTUP, SHUTDOWN, MAINTENANCE, AND MALFUNCTIONS
PN113-88-07-05-051	VOLUME 2	TRANSMITTAL OF SO2 CONTINUOUS COMPLIANCE STRATEGY
PN123-85-10-10-007	VOLUME 1	QUESTIONS AND ANSWERS ON IMPLEMENTING THE REVISED STACK HEIGHT REGULATION
PN123-88-05-17-016	VOLUME 2	APPLICATION OF THE INTERIM POLICY FOR STACK HEIGHT REGULATORY ACTIONS
PN165-89-04-10-041	VOLUME 2	PREVENTION OF SIGNIFICANT DETERIORATION (PSD) APPLICABILITY TO SULFUR DIOXIDE (SO2) EMISSIONS FROM INCINERATION OF TOTAL REDUCED SULFUR (TRS) COMPOUNDS
** SOLVENT REACTIVITY		
PN110-80-07-22-067	VOLUME 1	(CITATION OF FR NOTICE ON SOLVENT REACTIVITIES)
PN172-79-05-25-017	VOLUME 1	CLARIFICATION OF AGENCY POLICY CONCERNING OZONE SIP REVISIONS AND SOLVENT REACTIVITIES
** SOLVENT REGULATIONS		
PN172-79-06-20-018	VOLUME 1	MODIFICATIONS TO RECOMMENDATIONS FOR SOLVENT METAL CLEANING
PN172-79-12-12-023	VOLUME 1	EXEMPTIONS FOR DEGREASERS
PN172-80-07-02-029	VOLUME 1	EXEMPTION FOR COLD CLEANER DEGREASERS
PN172-86-10-30-053	VOLUME 2	INCLUSION OF CLEAN-UP SOLVENTS IN DETERMINING APPLICABILITY TO THE 100-TON PER YEAR NON-CTG REQUIREMENTS
** SOOT BLOWING		
PN111E-82-05-07-002	VOLUME 1	RESTATEMENT OF GUIDANCE ON EMISSIONS ASSOCIATED WITH SOOT BLOWING
** SOURCE DEFINITION		
PN165-87-02-27-017	VOLUME 2	PLANTWIDE DEFINITION OF MAJOR STATIONARY SOURCES OF AIR POLLUTION
** STACK HEIGHT REGULATIONS		
PN123-85-09-19-006	VOLUME 1	GUIDANCE ON FLUID MODEL DEMONSTRATIONS FOR DETERMINING GEP STACK HEIGHT IN COMPLEX TERRAIN
PN123-85-10-10-007	VOLUME 1	QUESTIONS AND ANSWERS ON IMPLEMENTING THE REVISED STACK HEIGHT REGULATION
PN123-85-10-28-008	VOLUME 1	IMPLEMENTATION OF STACK HEIGHT REGULATIONS - EXCEPTIONS FROM RESTRICTIONS ON CREDIT FOR MERGED STACKS
PN123-85-10-28-009	VOLUME 1	IMPLEMENTATION OF STACK HEIGHT REGULATIONS - PRESUMPTIVE NSPS EMISSION LIMIT FOR FLUID MODELING STACKS ABOVE FORMULA GEP HEIGHT
PN123-85-10-28-010	VOLUME 1	DETERMINING STACK HEIGHTS "IN EXISTENCE" BEFORE DECEMBER 31, 1970
PN123-86-02-11-011	VOLUME 2	PRIORITY FOR REVIEW OF PARTICULATE MATTER SOURCES FOR COMPLIANCE WITH REVISED STACK HEIGHT REGULATIONS
PN123-86-02-11-012	VOLUME 2	CLARIFICATION OF EXISTING GUIDANCE ON DISPERSION MODELING REQUIREMENTS FOR PLANTS WITH "TALL STACKS" AND OTHER PROHIBITED DISPERSION TECHNIQUES
PN123-87-09-03-013	VOLUME 2	TECHNICAL SUPPORT FOR STACK HEIGHT NEGATIVE DECLARATIONS
PN123-87-10-09-014	VOLUME 2	PROCESSING OF STACK HEIGHT NEGATIVE DECLARATIONS
PN123-88-01-07-015	VOLUME 2	STACK HEIGHT EMISSIONS BALANCING - FINAL POLICY STATEMENT (53 FR 480)
PN123-88-05-17-016	VOLUME 2	APPLICATION OF THE INTERIM POLICY FOR STACK HEIGHT REGULATORY ACTIONS

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN123-89-04-20-017	VOLUME 2	LETTER TO JOHN PROCTOR FROM G. EMISON
** SURROGATE AIR QUALITY DATA		
PN107-85-10-08-010	VOLUME 1	OZONE AIR QUALITY DATA FOR REDESIGNATIONS
** SURVEILLANCE ACTIONS		
PN114-81-05-13-002	VOLUME 1	REGIONAL OFFICE CRITERIA FOR NEUTRAL INSPECTIONS OF STATIONARY SOURCES - AMENDED GUIDANCE
PN120-80-09-12-001	VOLUME 1	PRIORITIES FOR ISSUING NOTICES OF NONCOMPLIANCE
** TOXIC SUBSTANCES		
PN110-82-11-24-061	VOLUME 1	SIP ACTIONS AND TOXIC POLLUTANTS
PN112-85-06-xx-007	VOLUME 1	REPRINT OF THE EPA AIR TOXICS STRATEGY (REFERENCE ONLY)
PN112-89-06-15-011	VOLUME 2	CONTROL OF AIR EMISSIONS FROM SUPERFUND AIR STRIPPERS AT SUPERFUND GROUNDWATER SITES
PN165-87-09-22-021	VOLUME 2	IMPLEMENTATION OF NORTH COUNTY RESOURCE RECOVERY PSD REMAND
PN165-88-07-28-033	VOLUME 2	SUPPLEMENTAL GUIDANCE IN IMPLEMENTING THE NORTH COUNTY PREVENTION OF SIGNIFICANT DETERIORATION (PSD) REMAND
** TRANSFER EFFICIENCY		
PN110-85-12-16-072	VOLUME 1	BASELINE TIME PERIODS FOR VOC TRANSFER EFFICIENCY CREDITS
PN110-86-04-11-074	VOLUME 2	RESPONSES TO FIVE VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
** TRANSPORT VALUES - OXIDANT		
PN172-78-08-04-004	VOLUME 1	REQUIREMENT FOR VOC RACT REGULATIONS IN ALL OXIDANT NONATTAINMENT AREAS
PN172-78-10-26-009	VOLUME 1	OZONE TRANSPORT VALUES FOR SIP REVISIONS
** TRANSPORTATION GRANTS		
PN175-79-02-12-004	VOLUME 1	REGIONAL OFFICE ASSISTANCE IN EXPEDITING HEADQUARTERS REVIEW OF SECTION 175 GRANT APPLICATIONS
** TRANSPORTATION PLANNING		
PN172-78-06-14-026	VOLUME 1	MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF TRANSPORTATION AND THE ENVIRONMENTAL PROTECTION AGENCY REGARDING THE INTEGRATION OF TRANSPORTATION AND AIR QUALITY PLANNING
PN172-81-05-21-038	VOLUME 1	1982 OZONE AND CARBON MONOXIDE SIP GUIDANCE INDEX
PN172-81-01-22-039	VOLUME 1	STATE IMPLEMENTATION PLANS-APPROVAL OF 1982 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NEEDING AN ATTAINMENT DATE EXTENSION (46 FR 7182)
PN175-80-06-12-008	VOLUME 1	PROCEDURES FOR CONFORMANCE OF TRANSPORTATION PLANS, PROGRAMS AND PROJECTS WITH CLEAN AIR ACT STATE IMPLEMENTATION PLANS
PN175-80-06-23-009	VOLUME 1	PUBLIC PARTICIPATION IN THE STATE IMPLEMENTATION PLAN - TRANSPORTATION REVISION PROCESS: EXPANDED GUIDELINES (FR CITATION)

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** TRICHLOROETHANE		
PN172-78-08-24-006	VOLUME 1	CLARIFICATION OF EPA POLICY ON EMISSIONS FOR METHYL CHLOROFORM
** UNANNOUNCED INSPECTIONS		
PN114-84-09-06-004	VOLUME 1	FINAL GUIDANCE ON USE OF UNANNOUNCED INSPECTIONS
** VINYL CHLORIDE		
PN112-84-07-11-005	VOLUME 1	VINYL CHLORIDE NESHAP ENFORCEMENT STRATEGY
** VINYL COATINGS		
PN172-85-07-02-051	VOLUME 1	RESIDUAL VOLATILE ORGANIC COMPOUND (VOC) CONTAINED IN COATING LINE PRODUCTS
** VISIBILITY PROTECTION		
PN169A-85-03-25-001	VOLUME 1	VISIBILITY MONITORING STRATEGY REQUIREMENTS
PN169A-86-11-10-002	VOLUME 2	VISIBILITY PROTECTION STATE IMPLEMENTATION PLANS (SIP'S)--VISIBILITY SIP'S PART II
** VISIBLE EMISSIONS		
PN113-82-05-04-013	VOLUME 1	GUIDANCE ON POLICY FOR ENFORCEMENT OF VE VIOLATIONS AGAINST SOURCES WHICH ARE MEETING AN APPLICABLE MASS EMISSION STANDARD
** VOC COMPLIANCE		
PN113-87-07-06-038	VOLUME 2	SMALL VOC SOURCE COMPLIANCE STRATEGY - FINAL
PN113-87-09-11-040	VOLUME 2	REPORTING REQUIREMENTS AND SUPPLEMENTAL GUIDANCE: SMALL VOC SOURCE COMPLIANCE STRATEGY
PN172-85-04-25-050	VOLUME 1	CONSIDERATION OF ORGANISOLS IN VOLATILE ORGANIC COMPOUNDS (VOC) COMPLIANCE CALCULATIONS
PN172-85-07-02-051	VOLUME 1	RESIDUAL VOLATILE ORGANIC COMPOUND (VOC) CONTAINED IN COATING LINE PRODUCTS
PN172-86-02-28-052	VOLUME 2	RESPONSES TO FOUR VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
PN172-89-03-16-071	VOLUME 2	COMPLIANCE SCHEDULES FOR VOLATILE ORGANIC COMPOUNDS (VOC's)
* VOC CONTROLS		
PN110-79-04-04-015	VOLUME 1	GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF STATE IMPLEMENTATION PLAN REVISIONS FOR NONATTAINMENT AREAS (44 FR 20372)
PN110-79-09-17-020	VOLUME 1	GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - (SUPPLEMENT ON CONTROL TECHNIQUES GUIDELINES) (44 FR 53761)
N110-80-07-31-039	VOLUME 1	APPLICABILITY OF VOC CONTROL TECHNIQUE GUIDELINES (CTGS) TO THE AUTOMOBILE MANUFACTURING INDUSTRY
N110-80-08-04-040	VOLUME 1	APPLICABILITY OF PAPER COATING, FABRIC COATING, AND GRAPHIC ARTS CTGS
N110-80-08-08-041	VOLUME 1	THE BUBBLE POLICY AND STATE IMPLEMENTATION PLANS UNDER CLEAN AIR ACT SECTION 111D

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN110-82-11-24-061	VOLUME 1	SIP ACTIONS AND TOXIC POLLUTANTS
PN110-77-07-08-065	VOLUME 1	(CITATION OF FR NOTICE ENTITLED "RECOMMENDED POLICY ON CONTROL OF VOLATILE ORGANIC COMPOUNDS")
PN110-85-08-27-071	VOLUME 1	CLASSIFICATION OF BENZENE AS A VOC
PN110-85-12-16-072	VOLUME 1	BASELINE TIME PERIODS FOR VOC TRANSFER EFFICIENCY CREDITS
PN110-86-04-11-074	VOLUME 2	RESPONSES TO FIVE VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
PN110-86-08-07-076	VOLUME 2	POLICY ON SIP REVISIONS REQUESTING COMPLIANCE DATE EXTENSIONS FOR VOC SOURCES
PN110-86-12-04-077	VOLUME 2	EMISSIONS TRADING POLICY STATEMENT (51 FR 43814)
PN110-87-01-08-079	VOLUME 2	CLARIFICATION OF SEASONAL VOC CONTROL POLICY
PN110-87-04-17-081	VOLUME 2	DEFINITION OF VOC
PN110-87-07-21-089	VOLUME 2	DEFINITION OF VOLATILE ORGANIC COMPOUNDS (VOC's)
PN112-89-06-15-011	VOLUME 2	CONTROL OF AIR EMISSIONS FROM SUPERFUND AIR STRIPPERS AT SUPERFUND GROUNDWATER SITES
PN113-85-04-24-023	VOLUME 1	ACHIEVING VOC COMPLIANCE FROM DEPARTMENT OF DEFENSE CONTRACTOR FACILITIES
PN113-86-01-17-027	VOLUME 2	ISSUES #3(E) AND #5 OF THE VOC ISSUE RESOLUTION PROCESS: ESTABLISHING PROOF OF VOC EMISSIONS VIOLATIONS, AND BUBBLES IN CONSENT DECREES RESOLVING CIVIL ACTIONS UNDER SECTION 113(b) OF THE CLEAN AIR ACT
PN113-86-08-07-032	VOLUME 2	POLICY ON THE AVAILABILITY OF LOW-SOLVENT TECHNOLOGY SCHEDULES IN CLEAN AIR ACT ENFORCEMENT ACTIONS
PN165-85-06-28-023	VOLUME 1	MEMO TO WILLIAM S. BAKER ON SEASONAL AFTERBURNER POLICY
PN165-88-04-25-030	VOLUME 2	LAER EMISSION LIMITS FOR AUTOMOBILE AND LIGHT-DUTY TRUCK TOPCOAT OPERATIONS
PN172-78-03-10-002	VOLUME 1	EXAMPLE DEMONSTRATION OF ATTAINMENT FOR PHOTOCHEMICAL OXIDANTS
PN172-78-06-30-003	VOLUME 1	VAPOR RECOVERY REGULATIONS REQUIRED TO MEET RACT REQUIREMENTS FOR THE 1979 SIP
PN172-78-08-04-004	VOLUME 1	REQUIREMENT FOR VOC RACT REGULATIONS IN ALL OXIDANT NONATTAINMENT AREAS
PN172-78-08-24-006	VOLUME 1	CLARIFICATION OF EPA POLICY ON EMISSIONS FOR METHYL CHLOROFORM
PN172-78-10-06-008	VOLUME 1	COMMENTS ON AUTO INDUSTRY PROPOSALS
PN172-79-03-06-014	VOLUME 1	CUTBACK ASPHALT VOC REGULATIONS
PN172-79-05-25-017	VOLUME 1	CLARIFICATION OF AGENCY POLICY CONCERNING OZONE SIP REVISIONS AND SOLVENT REACTIVITIES
PN172-79-06-20-018	VOLUME 1	MODIFICATIONS TO RECOMMENDATIONS FOR SOLVENT METAL CLEANING
PN172-79-08-21-019	VOLUME 1	STATE IMPLEMENTATION PLANS: GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - SUPPLEMENT (ON REVISED SCHEDULES FOR SUBMISSION OF VOLATILE ORGANIC CHEMICAL RACT REGULATIONS)
PN172-79-08-22-020	VOLUME 1	STATE IMPLEMENTATION PLANS/REVISED SCHEDULES FOR SUBMITTING RACT REGULATIONS FOR STATIONARY SOURCES OF VOLATILE ORGANIC COMPOUNDS(VOC)
PN172-79-12-12-023	VOLUME 1	EXEMPTIONS FOR DEGREASERS
PN172-80-06-16-027	VOLUME 1	GASOLINE TANK TRUCK REGULATIONS
PN172-80-07-02-029	VOLUME 1	EXEMPTION FOR COLD CLEANER DEGREASERS
PN172-80-09-03-030	VOLUME 1	MISCELLANEOUS METAL PARTS AND PRODUCTS CTG - EMISSION LIMITS FOR COATING OF SHIPPING PAILS AND DRUMS

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN172-80-11-20-032	VOLUME 1	COMPLIANCE WITH VOC EMISSION LIMITATIONS FOR CAN COATING OPERATIONS
PN172-80-12-01-033	VOLUME 1	REVISED SEASONAL AFTERBURNER POLICY
PN172-80-12-02-034	VOLUME 1	COST EFFECTIVENESS FOR RACT APPLICATION TO LEAKS FROM PETROLEUM REFINERY EQUIPMENT
PN172-80-12-02-035	VOLUME 1	RACT FOR SPECIALTY PRINTING OPERATIONS
PN172-81-02-06-036	VOLUME 1	STORAGE TANK VAPOR BALANCE REQUIREMENTS AT SYNTHESIZED PHARMACEUTICAL PRODUCTS MANUFACTURE FACILITIES
PN172-81-01-22-039	VOLUME 1	STATE IMPLEMENTATION PLANS-APPROVAL OF 1982 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NEEDING AN ATTAINMENT DATE EXTENSION (46 FR 7182)
PN172-84-01-20-045	VOLUME 1	AVERAGING TIMES FOR COMPLIANCE WITH VOC EMISSION LIMITS - SIP REVISION POLICY
PN172-84-09-14-048	VOLUME 1	VOLATILE ORGANIC COMPOUND (VOC) TEST METHODS OR PROCEDURES FOR SOURCE CATEGORIES IN GROUPS I, II, AND III CONTROL TECHNIQUES GUIDELINES (CTGS)
PN172-84-12-21-049	VOLUME 1	CONNECTICUT VOLATILE ORGANIC COMPOUND (VOC) ISSUES
PN172-85-04-25-050	VOLUME 1	CONSIDERATION OF ORGANISOLS IN VOLATILE ORGANIC COMPOUNDS (VOC) COMPLIANCE CALCULATIONS
PN172-87-06-25-054	VOLUME 2	EMISSION CUT-OFF FOR CONTROL TECHNIQUES GUIDELINES VOLATILE ORGANIC COMPOUND SOURCES
PN172-86-09-29-058	VOLUME 2	SEASONAL VOC CONTROLS
PN172-87-12-10-060	VOLUME 2	LETTER TO LEONARD LEDBETTER ON USE OF POTENTIAL VS ACTUAL EMISSIONS FOR VOC REGULATIONS
PN172-88-05-27-061	VOLUME 2	TRANSMITTAL OF EPA GUIDANCE ON VOC ISSUES
PN172-88-08-23-063	VOLUME 2	LETTER TO WILLIAM JURIS ON VOC EMISSION CUTOFF
PN172-88-12-16-067	VOLUME 2	VOLATILE ORGANIC COMPOUND (VOC) DISPOSAL REGULATION
PN172-89-02-15-070	VOLUME 2	MARINE VESSEL VAPOR CONTROL
PN172-89-04-03-072	VOLUME 2	APPLICABILITY OF MISCELLANEOUS METAL PARTS AND PRODUCTS COATINGS REGULATIONS TO ADHESIVES, SEALANTS AND FILLERS
PN172-89-04-07-073	VOLUME 2	BASELINE FOR CROSS-LINE AVERAGING
PN172-89-05-25-075	VOLUME 2	CORRECTING CAPTURE EFFICIENCY (CE) REGULATIONS
PN172-89-07-06-076	VOLUME 2	AEROSPACE AND SIMILAR RULES IN OZONE STATE IMPLEMENTATION PLANS (SIP'S)
PN172-89-10-24-077	VOLUME 2	COMPLIANCE TIME PERIOD FOR ELECTROPHORETIC PRIME-COATING OPERATIONS
** VOC RECORDKEEPING		
PN110-86-04-11-074	VOLUME 2	RESPONSES TO FIVE VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
** VOC TEST METHODS		
PN110-86-04-11-074	VOLUME 2	RESPONSES TO FIVE VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
PN172-84-09-14-048	VOLUME 1	VOLATILE ORGANIC COMPOUND (VOC) TEST METHODS OR PROCEDURES FOR SOURCE CATEGORIES IN GROUPS I, II, AND III CONTROL TECHNIQUES GUIDELINES (CTGS)
** VOC WASTE DISPOSAL		
PN172-88-12-16-067	VOLUME 2	VOLATILE ORGANIC COMPOUND (VOC) DISPOSAL REGULATION

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX
(SEPTEMBER 1990 UPDATE)

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** VOLATILE HAZARDOUS AIR POLLUTANTS		
PM113-88-03-02-045	VOLUME 2	REVISIONS TO VOLATILE HAZARDOUS AIR POLLUTANT (VHAP) CIVIL PENALTY POLICY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

AUG 2 4 1990

MEMORANDUM

SUBJECT: Air Programs Policy and Guidance Notebook

FROM: John S. Seitz, Director
Office of Air Quality Planning and Standards (MD-10)

TO: Recipients of the Air Programs Policy and Guidance Notebook

I am pleased to inform you that we have completed another update of the Air Programs Policy and Guidance Notebook. Attached are the documents that you will now need to include in your existing Notebooks. Please follow the instructions below in order to minimize any possible confusion during the updating process.

Instructions

1. Replace the existing Subject Index in both Volume 1 and in Volume 2 with the new subject indices provided. The subject indices for Volume 1 and Volume 2 are identical; either can be placed in either volume.

2. Replace the existing document title listings for Sections 110, 165, and 172 of Volume 2 of the Notebook with the revised title listings that are provided. The revised section title listings are to be placed immediately behind the dividers for the respective sections. The individual memos and other documents (see below) are then placed behind the individual section title listings.

3. There are 8 new documents to be added to the Notebook this time, all of which are to be added to Volume 2 of the Notebook. Place these documents into the appropriate sections of Volume 2, inserting them so that the last 3 digits of the PN numbers, which are located in the upper right hand portion of the first page of each new document, are in descending order. The documents to be added are listed below:

PN 110-90-07-05-106	"PM-10 SIP Demonstrations for Small Isolated Areas with Spatially Uniform Emissions"
PN 110-90-06-18-105	"Replacement of Surrogate PM-10 Monitors"
PN 165-90-06-08-050	Letter to John Boston from William G. Rosenberg on WEPCO Determination
PN 165-90-01-18-049	Letter to Morton Sterling of Detroit Edison from Gerald A. Emison

PN 165-89-09-11-048	Letter to Christopher J. Daggett from Gerald A. Emison on use of urea injection for NOx control from municipal waste combustors
PN 165-89-08-09-047	"LAER Determination for a Previously Constructed Source"
PN 172-90-06-18-079	"Ozone and Carbon Monoxide Design Value Calculations"
PN 172-90-02-28-078	"Lowest Achievable Emission Limits (LAER) for Ozone Nonattainment Areas"

4. Refer to Attachment 1 ("Complete Listing of the Contents of Volume 1 of the Air Programs Policy and Guidance Notebook") and Attachment 2 ("Complete Listing of the Contents of Volume 2 of the Air Programs Policy and Guidance Notebook") to check to see that you have all of the documents in your Notebook that you should have. If any documents are missing contact Bill Hamilton, USEPA, Mail Drop 15, Research Triangle Park, NC 27711. Telephone number 919-541-5498 or FTS 629-5498.

Every effort has been taken in order to make the Air Programs Policy and Guidance Notebook the best possible compilation of its kind. However, users of the Notebook cannot assume that the Notebook alone contains all of the policy and guidance that they may need in a given situation, particularly in the case of newly-issued materials which are not included in the Notebook. In addition, the Notebook is not intended to be the primary means of distributing policy and guidance to the implementers of air quality management programs. As in the past, policy memorandums and other guidance will continue to be sent to the EPA Regional Offices for their use and for possible subsequent distribution to State and local air pollution control agencies.

As we have previously mentioned, we realize that the Notebook, particularly Volume 2, has nearly exceeded the capacity of the 3-ring binders. At this time, however, we do not intend to distribute additional 3-ring binders to the Notebook users. In the future we intend to revise the Notebook in order to be compatible with any Clean Air Act amendments that are passed by Congress. During that process we will, among other things, examine the need for additional binders for the Notebook.

Any comments that you might have on how to improve the Notebook would be appreciated. If you have any suggestions please contact Bill Hamilton at the address and telephone number listed above. In addition, please feel free to contact Bill if you have any questions regarding this update to the Notebook.

Attachments

cc: W. Hamilton

ATTACHMENT 1

COMPLETE LISTING OF THE CONTENTS OF VOLUME 1
OF THE AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
(SEPTEMBER 1990)

** PN107-82-09-16-007
MILWAUKEE SO2 NONATTAINMENT DESIGNATION

** PN107-83-04-21-008
SECTION 107 DESIGNATION POLICY SUMMARY

** PN107-85-04-08-009
LETTER TO JUDGE TERRY ROBERTS FROM GERALD A. EMISON

** PN107-85-10-08-010
OZONE AIR QUALITY DATA FOR REDESIGNATIONS

** PN110-78-02-24-002
CRITERIA FOR APPROVAL OF 1979 SIP REVISIONS

** PN110-78-03-24-003
PLANS UNDER SECTION 111D OF THE CLEAN AIR ACT

** PN110-78-07-17-007
INSPECTION/MAINTENANCE POLICY

** PN110-79-04-04-015
GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF STATE IMPLEMENTATION PLAN REVISIONS FOR NONATTAINMENT AREAS (44 FR 20372)

** PN110-79-06-14-016
LEAD SIPS

** PN110-79-07-02-017
GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - SUPPLEMENT (ON PUBLIC COMMENT AND CONDITIONAL APPROVAL) (44 FR 38583)

** PN110-79-09-17-020
GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - (SUPPLEMENT ON CONTROL TECHNIQUES GUIDELINES) (44 FR 53761)

** PN110-79-11-21-023
MINIMUM NUMBER OF SAMPLES FOR DETERMINING QUARTERLY AVERAGE LEAD CONCENTRATION

** PN110-80-01-10-023A
ALTERNATE PROCEDURE FOR SECTION 110(F) RELIEF IN LOCALIZED, SHORT TERM ENERGY EMERGENCIES

COMPLETE LISTING OF THE CONTENTS OF VOLUME 1
OF THE AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
(SEPTEMBER 1990)

** PN110-80-03-10-030
EMISSION OFFSET REQUIREMENTS IN SECONDARY STANDARD TOTAL SUSPENDED PARTICULATE PLANS

** PN110-80-04-08-032
NEW SOURCE REVIEW REQUIREMENTS FOR LEAD

** PN110-80-05-09-034A
CLARIFICATION OF REQUIREMENTS FOR INCLUSION OF CONTINUOUS EMISSION MONITORING PROVISIONS IN STATE IMPLEMENTATION PLANS

** PN110-80-07-31-039
APPLICABILITY OF VOC CONTROL TECHNIQUE GUIDELINES (CTGS) TO THE AUTOMOBILE MANUFACTURING INDUSTRY

** PN110-80-08-04-040
APPLICABILITY OF PAPER COATING, FABRIC COATING, AND GRAPHIC ARTS CTGS

** PN110-80-08-08-041
THE BUBBLE POLICY AND STATE IMPLEMENTATION PLANS UNDER CLEAN AIR ACT SECTION 111D

** PN110-80-09-25-043
INCORPORATION BY REFERENCE OF SIP REVISIONS

** PN110-80-10-23-044
GROWTH RESTRICTIONS IN SECONDARY NAAQS NONATTAINMENT AREAS

** PN110-81-07-22-052
EXPERIMENTAL STATE IMPLEMENTATION PLAN (SIP) PROCESSING TECHNIQUES

** PN110-81-11-09-055
NEW PROCEDURES FOR REVIEW OF STATE IMPLEMENTATION PLANS

** PN110-82-06-23-059
REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF STATE IMPLEMENTATION PLANS-NEW SIP PROCESSING PROCEDURES TO SAVE TIME AND RESOURCES (FR CITATION)

** PN110-82-08-11-060
REVIEW OF 1982 OZONE AND CO SIPS

** PN110-82-11-24-061
SIP ACTIONS AND TOXIC POLLUTANTS

** PN110-83-03-18-063
LETTER TO HARRY H. HOVEY RE EPA POLICY WITH REGARD TO AMBIENT AIR

COMPLETE LISTING OF THE CONTENTS OF VOLUME 1
OF THE AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
(SEPTEMBER 1990)

** PN110-83-05-27-064
SUMMARY OF NAAQS INTERPRETATION

** PN110-77-07-08-065
(CITATION OF FR NOTICE ENTITLED "RECOMMENDED POLICY ON CONTROL OF VOLATILE ORGANIC COMPOUNDS")

** PN110-79-06-18-066
REQUIREMENTS FOR PREPARATION, ADOPTION AND SUBMITTAL OF IMPLEMENTATION PLANS: INTERGOVERNMENTAL CONSULTATION (FR CITATION)

** PN110-80-07-22-067
(CITATION OF FR NOTICE ON SOLVENT REACTIVITIES)

** PN110-83-05-26-068
DEFINITION OF AMBIENT AIR FOR LEAD

** PN110-84-11-28-069
CORRECTING ATMOSPHERIC DISPERSION MODEL RESULTS TO STANDARD TEMPERATURE AND PRESSURE

** PN110-85-01-02-070
REGIONAL IMPLEMENTATION OF MODELING GUIDANCE

** PN110-85-08-27-071
CLASSIFICATION OF BENZENE AS A VOC

** PN110-85-12-16-072
BASELINE TIME PERIODS FOR VOC TRANSFER EFFICIENCY CREDITS

** PN110-83-03-14-087
ISSUES ON LEAD SIPS

** PN111D-81-09-14-001
EPA POLICY ON WELFARE-RELATED POLLUTANTS UNDER SECTION 111D

** PN111E-76-05-03-001
ENFORCEMENT OF NSPS REQUIREMENTS

** PN111E-82-05-07-002
RESTATEMENT OF GUIDANCE ON EMISSIONS ASSOCIATED WITH SOOT BLOWING

** PN112-78-03-30-001
STATE ENFORCEMENT OF ASBESTOS DEMOLITION REGULATIONS IN LIGHT OF ADAMO WRECKING COMPANY V. UNITED STATES

COMPLETE LISTING OF THE CONTENTS OF VOLUME 1
OF THE AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
(SEPTEMBER 1990)

** PN112-82-03-24-002
DELEGATION OF AUTHORITY TO STATES: NESHAPS

** PN112-84-06-01-004
BENZENE NESHAP GUIDANCE

** PN112-84-07-11-005
VINYL CHLORIDE NESHAP ENFORCEMENT STRATEGY

** PN112-85-02-08-006
REVISIONS TO ASBESTOS DEMOLITION AND RENOVATION CIVIL PENALTY POLICY

** PN112-85-06-xx-007
REPRINT OF THE EPA AIR TOXICS STRATEGY (REFERENCE ONLY)

** PN112-85-09-17-008
PREPARATION OF QUANTITATIVE ANALYSIS IN AGENCY DECISION-MAKING

** PN113-75-11-05-001
NON-DISCRETIONARY ENFORCEMENT DUTIES - ISSUANCE OF NOTICES OF VIOLATION

** PN113-76-06-25-002
DOCUMENTATION OF VIOLATION EXTENDING 30 DAYS BEYOND NOTICE OF VIOLATION UNDER SECTION 113 OF THE CLEAN AIR ACT

** PN113-76-08-12-003
ENFORCEMENT OF SIPS UNDERGOING REVISION

** PN113-76-08-13-004
"REVIEWABILITY" OF EPA DETERMINATIONS IN SIP ENFORCEMENT ACTIONS

** PN113-78-07-27-005
ENFORCEMENT UNDER CLEAN AIR ACT AMENDMENTS - ORDERS UNDER SECTION 113(A) AND 113(D)

** PN113-80-03-11-006
INTERIM PARTICULATE CONTROLS

** PN113-80-05-27-007
DELAYED COMPLIANCE ORDERS REQUIRING SIP COMPLIANCE THROUGH TEMPORARY CONTROL MEASURES - AMENDED GUIDANCE

** PN113-82-05-04-013
GUIDANCE ON POLICY FOR ENFORCEMENT OF VE VIOLATIONS AGAINST SOURCES WHICH ARE MEETING AN APPLICABLE MASS EMISSION STANDARD

COMPLETE LISTING OF THE CONTENTS OF VOLUME 1
OF THE AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
(SEPTEMBER 1990)

** PN113-82-08-12-014
GUIDANCE CONCERNING EPA'S USE OF CONTINUOUS EMISSION MONITORING DATA

** PN113-83-02-15-017
POLICY ON EXCESS EMISSIONS DURING STARTUP, SHUTDOWN, MAINTENANCE, AND MALFUNCTIONS

** PN113-83-01-12-018
GUIDANCE ON IMPLEMENTATION OF THE 1982 DEADLINE ENFORCEMENT POLICY ISSUED SEPTEMBER 20, 1982

** PN113-83-04-12-019
LETTER TO ROBERT R. WAHLER FROM KATHLEEN BENNETT RE ENFORCEMENT POLICY ON INTERIM PARTICULATE CONTROLS

** PN113-83-04-26-020
PROCEDURES FOR REVIEW AND FEDERAL REGISTER PUBLICATION OF DELAYED COMPLIANCE ORDERS UNDER SECTION 113(D) OF THE CLEAN AIR ACT

** PN113-84-10-05-021
FINAL TECHNICAL GUIDANCE ON THE REVIEW AND USE OF EXCESS EMISSION REPORTS

** PN113-84-12-20-022
POLICY ON NO-ACTION ASSURANCES

** PN113-85-04-24-023
ACHIEVING VOC COMPLIANCE FROM DEPARTMENT OF DEFENSE CONTRACTOR FACILITIES

** PN113-85-06-28-024
PARTICULATE MATTER INTERIM ENFORCEMENT POLICY

** PN113-85-10-30-025
FINAL TECHNICAL GUIDANCE ON THE REVIEW AND USE OF COAL SAMPLING AND ANALYSIS DATA

** PN113-85-11-27-026
REVISED ENFORCEMENT POLICY RESPECTING SOURCES COMPLYING WITH CLEAN AIR ACT REQUIREMENTS BY SHUTDOWN

** PN114-77-12-02-001A
GUIDANCE FOR SECTION 114(D) OF THE CAA

** PN114-81-05-13-002
REGIONAL OFFICE CRITERIA FOR NEUTRAL INSPECTIONS OF STATIONARY SOURCES - AMENDED GUIDANCE

COMPLETE LISTING OF THE CONTENTS OF VOLUME 1
OF THE AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
(SEPTEMBER 1990)

** PN114-83-12-15-003
EXECUTION OF CONFIDENTIALITY AGREEMENTS UNDER SECTION 114 OF THE CLEAN AIR ACT

** PN114-84-09-06-004
FINAL GUIDANCE ON USE OF UNANNOUNCED INSPECTIONS

** PN115-78-01-31-001
ACCOUNTING FOR POLLUTION ACROSS INTERNATIONAL BOUNDARIES

** PN115-78-03-20-002
INTERNATIONAL POLLUTION (EL PASO/JUAREZ)

** PN120-80-09-12-001
PRIORITIES FOR ISSUING NOTICES OF NONCOMPLIANCE

** PN120-81-02-12-003
IMPLEMENTATION OF NONCOMPLIANCE PENALTY PROGRAM UNDER SECTION 120 OF THE CLEAN AIR ACT

** PN120-81-04-02-004
SETTLEMENT OF NONCOMPLIANCE PENALTY ASSESSMENTS UNDER SECTION 120 OF THE CLEAN AIR ACT, AS AMENDED

** PN120-81-04-30-005
ISSUANCES OF NOTICES OF NONCOMPLIANCE UNDER SECTION 120 OF THE CLEAN AIR ACT TO SEASONAL SOURCES

** PN120-85-03-19-006
PERMISSIBLE GROUNDS FOR SETTLEMENT OF NONCOMPLIANCE PENALTIES UNDER SECTION 120 OF THE CLEAN AIR ACT

** PN120-85-03-19-007
GUIDANCE CONCERNING IMPLEMENTATION OF SECTION 120 OF THE CLEAN AIR ACT IN FISCAL YEAR 1985

** PN123-80-12-19-001
LETTER TO HONORABLE JENNINGS RANDOLPH FROM DOUGLAS M. COSTLE REGARDING DEFINITION OF AMBIENT AIR

** PN123-85-09-19-006
GUIDANCE ON FLUID MODEL DEMONSTRATIONS FOR DETERMINING GEP STACK HEIGHT IN COMPLEX TERRAIN

** PN123-85-10-10-007
QUESTIONS AND ANSWERS ON IMPLEMENTING THE REVISED STACK HEIGHT REGULATION

COMPLETE LISTING OF THE CONTENTS OF VOLUME 1
OF THE AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
(SEPTEMBER 1990)

** PN123-85-10-28-008
IMPLEMENTATION OF STACK HEIGHT REGULATIONS - EXCEPTIONS FROM RESTRICTIONS ON CREDIT FOR MERGED STACKS

** PN123-85-10-28-009
IMPLEMENTATION OF STACK HEIGHT REGULATIONS - PRESUMPTIVE NSPS EMISSION LIMIT FOR FLUID MODELING STACKS ABOVE FORMULA GEP HEIGHT

** PN123-85-10-28-010
DETERMINING STACK HEIGHTS "IN EXISTENCE" BEFORE DECEMBER 31, 1970

** PN124-78-07-31-001
IMPLEMENTING SECTION 124 OF THE CLEAN AIR ACT

** PN126-78-03-16-001
OUT OF STATE SOURCES EFFECT ON IMPLEMENTATION PLAN REVISION

** PN165-78-12-22-001
BACT INFORMATION FOR COAL-FIRED POWER PLANTS

** PN165-81-04-03-006
LETTER TO NATIONAL PARK SERVICE FROM EDWARD F. TUERK REGARDING PSD PERMITS

** PN165-80-12-16-007
INTERPRETATION OF "SIGNIFICANT CONTRIBUTION"

** PN165-84-01-09-012
INTERPRETATION OF THE POLICY ON COMPLIANCE WITH THE PROVISIONS OF PART D

** PN165-84-01-20-013
PSD INCREMENT CONSUMPTION CALCULATIONS

** PN165-84-06-11-014
APPLICABILITY OF PSD INCREMENTS TO BUILDING ROOFTOPS

** PN165-85-05-09-015
IMPROVED NEW SOURCE REVIEW/PREVENTION OF SIGNIFICANT DETERIORATION (NSR/PSD) PROGRAM TRANSFER

** PN165-85-06-28-023
MEMO TO WILLIAM S. BAKER ON SEASONAL AFTERBURNER POLICY

** PN167-83-12-14-001
GUIDANCE ON ENFORCEMENT OF PREVENTION OF SIGNIFICANT DETERIORATION REQUIREMENTS UNDER THE CLEAN AIR ACT

COMPLETE LISTING OF THE CONTENTS OF VOLUME 1
OF THE AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
(SEPTEMBER 1990)

** PN169A-85-03-25-001
VISIBILITY MONITORING STRATEGY REQUIREMENTS

** PN172-78-03-10-002
EXAMPLE DEMONSTRATION OF ATTAINMENT FOR PHOTOCHEMICAL OXIDANTS

** PN172-78-06-30-003
VAPOR RECOVERY REGULATIONS REQUIRED TO MEET RACT REQUIREMENTS FOR THE 1979 SIP

** PN172-78-08-04-004
REQUIREMENT FOR VOC RACT REGULATIONS IN ALL OXIDANT NONATTAINMENT AREAS

** PN172-78-08-24-006
CLARIFICATION OF EPA POLICY ON EMISSIONS FOR METHYL CHLOROFORM

** PN172-78-10-06-008
COMMENTS ON AUTO INDUSTRY PROPOSALS

** PN172-78-10-26-009
OZONE TRANSPORT VALUES FOR SIP REVISIONS

** PN172-79-01-16-012
CONTINUITY OF SIP REGULATIONS - REVISED ENCLOSURE

** PN172-79-03-06-014
CUTBACK ASPHALT VOC REGULATIONS

** PN172-79-05-25-016
SUBMISSION OF STATE AIR PERMITS AS SIP REVISIONS

** PN172-79-05-25-017
CLARIFICATION OF AGENCY POLICY CONCERNING OZONE SIP REVISIONS AND SOLVENT REACTIVITIES

** PN172-79-06-20-018
MODIFICATIONS TO RECOMMENDATIONS FOR SOLVENT METAL CLEANING

** PN172-79-08-21-019
STATE IMPLEMENTATION PLANS: GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - SUPPLEMENT (ON REVISED SCHEDULES FOR SUBMISSION OF VOLATILE ORGANIC CHEMICAL RACT REGULATIONS)

** PN172-79-08-22-020
STATE IMPLEMENTATION PLANS/REVISED SCHEDULES FOR SUBMITTING RACT REGULATIONS FOR STATIONARY SOURCES OF VOLATILE ORGANIC COMPOUNDS (VOC)

COMPLETE LISTING OF THE CONTENTS OF VOLUME 1
OF THE AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
(SEPTEMBER 1990)

** PN172-79-10-04-021
CLARIFICATION FOR FINAL SIP ACTIONS ON ASPHALT REGULATIONS

** PN172-79-12-12-023
EXEMPTIONS FOR DEGREASERS

** PN172-78-06-14-026
MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF TRANSPORTATION AND THE ENVIRONMENTAL PROTECTION AGENCY REGARDING THE INTEGRATION OF TRANSPORTATION AND AIR QUALITY PLANNING

** PN172-80-06-16-027
GASOLINE TANK TRUCK REGULATIONS

** PN172-80-07-02-029
EXEMPTION FOR COLD CLEANER DEGREASERS

** PN172-80-09-03-030
MISCELLANEOUS METAL PARTS AND PRODUCTS CTG - EMISSION LIMITS FOR COATING OF SHIPPING PAILS AND DRUMS

** PN172-80-11-20-032
COMPLIANCE WITH VOC EMISSION LIMITATIONS FOR CAN COATING OPERATIONS

** PN172-80-12-01-033
REVISED SEASONAL AFTERBURNER POLICY

** PN172-80-12-02-034
COST EFFECTIVENESS FOR RACT APPLICATION TO LEAKS FROM PETROLEUM REFINERY EQUIPMENT

** PN172-80-12-02-035
RACT FOR SPECIALTY PRINTING OPERATIONS

** PN172-81-02-06-036
STORAGE TANK VAPOR BALANCE REQUIREMENTS AT SYNTHESIZED PHARMACEUTICAL PRODUCTS MANUFACTURE FACILITIES

** PN172-81-05-21-038
1982 OZONE AND CARBON MONOXIDE SIP GUIDANCE INDEX

** PN172-81-01-22-039
STATE IMPLEMENTATION PLANS-APPROVAL OF 1982 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NEEDING AN ATTAINMENT DATE EXTENSION (46 FR 7182)

COMPLETE LISTING OF THE CONTENTS OF VOLUME 1
OF THE AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
(SEPTEMBER 1990)

** PN172-82-10-29-041
QUESTIONS AND ANSWERS ON 1982 OZONE AND CO SIPS

** PN172-80-08-11-043
MUNICIPAL WASTEWATER TREATMENT WORKS: CONSTRUCTION GRANTS LIMITATION PROVIDED BY SECTION 316 OF THE CLEAN AIR ACT: POLICY AND PROCEDURES (FR CITATION)

** PN172-83-11-02-044
COMPLIANCE WITH THE STATUTORY PROVISIONS OF PART D OF THE CLEAN AIR ACT - FINAL (48 FR 50686)

** PN172-84-01-20-045
AVERAGING TIMES FOR COMPLIANCE WITH VOC EMISSION LIMITS - SIP REVISION POLICY

** PN172-84-06-25-046
APPLICABILITY OF GROUP III CONTROL TECHNIQUES GUIDELINES (CTG'S)

** PN172-84-06-25-047
CONFIRMATION OF DEFINITION OF "100 TON-PER-YEAR (100 TPY) SOURCE"

** PN172-84-09-14-048
VOLATILE ORGANIC COMPOUND (VOC) TEST METHODS OR PROCEDURES FOR SOURCE CATEGORIES IN GROUPS I, II, AND III CONTROL TECHNIQUES GUIDELINES (CTGS)

** PN172-84-12-21-049
CONNECTICUT VOLATILE ORGANIC COMPOUND (VOC) ISSUES

** PN172-85-04-25-050
CONSIDERATION OF ORGANISOLS IN VOLATILE ORGANIC COMPOUNDS (VOC) COMPLIANCE CALCULATIONS

** PN172-85-07-02-051
RESIDUAL VOLATILE ORGANIC COMPOUND (VOC) CONTAINED IN COATING LINE PRODUCTS

** PN175-79-02-12-004
REGIONAL OFFICE ASSISTANCE IN EXPEDITING HEADQUARTERS REVIEW OF SECTION 175 GRANT APPLICATIONS

** PN175-80-04-23-006
IMPLEMENTATION OF EXECUTIVE ORDER 12185, CONSERVATION OF PETROLEUM AND NATURAL GAS

** PN175-80-06-12-008
PROCEDURES FOR CONFORMANCE OF TRANSPORTATION PLANS, PROGRAMS AND PROJECTS WITH CLEAN AIR ACT STATE IMPLEMENTATION PLANS

COMPLETE LISTING OF THE CONTENTS OF VOLUME 1
OF THE AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
(SEPTEMBER 1990)

** PN175-80-06-23-009
PUBLIC PARTICIPATION IN THE STATE IMPLEMENTATION PLAN -
TRANSPORTATION REVISION PROCESS: EXPANDED GUIDELINES (FR CITATION)

** PN176-79-06-08-001
IMPACT OF CLEAN AIR ACT NONATTAINMENT SANCTIONS

** PN301-81-01-20-001
IMPLEMENTATION OF THE REGIONAL CONSISTENCY REGULATIONS

ATTACHMENT 2

COMPLETE LISTING OF THE CONTENTS OF VOLUME 2
OF THE AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
(SEPTEMBER 1990)

** PN107-86-04-11-012
REQUIRED MONITORING PERIOD FOR OZONE REDESIGNATION IN UNCLASSIFIED AREAS

** PN107-87-04-06-013
OZONE REDESIGNATION POLICY

** PN107-88-04-05-014
LETTER TO NANCY MALOLEY ON REDESIGNATION OF 2 INDIANA COUNTIES

** PN110-86-03-28-073
BLOCK AVERAGES IN IMPLEMENTING SO2 NAAQS

** PN110-86-04-11-074
RESPONSES TO FIVE VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE

** PN110-86-05-23-075
LETTER TO NANCY MALOLEY FROM CRAIG POTTER ON THE INDIANA SO2 SIP

** PN110-86-08-07-076
POLICY ON SIP REVISIONS REQUESTING COMPLIANCE DATE EXTENSIONS FOR VOC SOURCES

** PN110-86-12-04-077
EMISSIONS TRADING POLICY STATEMENT (51 FR 43814)

** PN110-86-12-10-078
RULEMAKING ON STATE IMPLEMENTATION PLANS (SIP'S) FOR SO2

** PN110-87-01-08-079
CLARIFICATION OF SEASONAL VOC CONTROL POLICY

** PN110-87-01-20-080
DETERMINATION OF ECONOMIC FEASIBILITY

** PN110-87-04-17-081
DEFINITION OF VOC

** PN110-87-04-30-082
AMBIENT AIR

** PN110-87-04-30-083
AMBIENT AIR

** PN110-87-07-29-084
STATE IMPLEMENTATION PLANS FOR SULFUR DIOXIDE

COMPLETE LISTING OF THE CONTENTS OF VOLUME 2
OF THE AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
(SEPTEMBER 1990)

** PN110-87-08-11-085
PROCESSING OF PARTICULATE MATTER STATE IMPLEMENTATION PLAN REVISIONS

** PN110-87-09-21-086
AMBIENT AIR DEFINITION

** PN110-87-05-11-088
GUIDANCE ON ACCOUNTING FOR TRENDS IN PARTICULATE MATTER EMISSION AND AIR QUALITY DATA

** PN110-87-07-21-089
DEFINITION OF VOLATILE ORGANIC COMPOUNDS (VOC's)

** PN110-87-08-11-090
DEVELOPMENT PLAN FOR PM10 STATE IMPLEMENTATION PLANS (SIP's)

** PN110-87-10-02-091
CLARIFICATION OF IMPLEMENTATION POLICIES FOR PM10 NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS)

** PN110-87-12-23-092
EXPANDED USE OF DIRECT FINAL SIP PROCESSING

** PN110-88-03-18-093
POLICY FOR DETERMINING COMPLETENESS OF SIP SUBMITTALS

** PN110-88-06-17-094
DEMONSTRATION OF "REPRESENTATIVE EMISSION CONDITIONS" FOR USE IN "EXPECTED EXCEEDANCE" DETERMINATIONS

** PN110-88-06-27-095
"GRANDFATHERING" OF REQUIREMENTS FOR PENDING SIP REVISIONS

** PN110-88-08-05-096
DENTIFYING AND EXPEDITING SIP REVISIONS THAT IMPACT THE ENFORCEMENT PROCESS

** PN110-88-09-06-097
PM10 SIP DEVELOPMENT: STATUS AND CONCERNS

** PN110-88-11-04-098
GUIDANCE ON LONG-TERM NONATTAINMENT OF THE PM10 STANDARDS

** PN110-88-11-21-099
REVISION TO POLICY ON THE USE OF PM10 MEASUREMENT DATA

COMPLETE LISTING OF THE CONTENTS OF VOLUME 2
OF THE AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
(SEPTEMBER 1990)

** PN110-89-01-19-100
STATE IMPLEMENTATION PLAN COMPLETENESS REVIEW (FR CITATION)

** PN110-89-01-19-101
STATE IMPLEMENTATION PLAN PROCESSING REFORM (FR CITATION)

** PN110-89-01-30-102
PROCEDURES FOR LETTER NOTICE APPROVAL OF MINOR SIP ACTIONS

** PN110-89-06-30-103
RESPONSE TO PM10 CONTROL STRATEGY ISSUES

** PN110-89-08-14-104
REVIEW OF PM-10 IMPLEMENTATION POLICY

** PN110-90-06-18-105
REPLACEMENT OF SURROGATE PM-10 MONITORS

** PN110-90-07-05-106
PM-10 SIP DEMONSTRATIONS FOR SMALL ISOLATED AREAS WITH SPATIALLY UNIFORM EMISSIONS

** PN111E-86-09-11-004
DELEGATION OF NEW SOURCE PERFORMANCE STANDARDS (NSPS) AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) AUTHORITY TO STATE/LOCAL AGENCIES

** PN112-86-10-01-009
GUIDELINE S-26 - ENFORCEMENT OF THE ARSENIC NESHAP FOR GLASS MANUFACTURING PLANTS

** PN112-88-03-31-010
REVISED ASBESTOS NESHAP STRATEGY

** PN112-89-06-15-011
CONTROL OF AIR EMISSIONS FROM SUPERFUND AIR STRIPPERS AT SUPERFUND GROUNDWATER SITES

** PN113-86-01-17-027
ISSUES #3(E) AND #5 OF THE VOC ISSUE RESOLUTION PROCESS: ESTABLISHING PROOF OF VOC EMISSIONS VIOLATIONS, AND BUBBLES IN CONSENT DECREES RESOLVING CIVIL ACTIONS UNDER SECTION 113(b) OF THE CLEAN AIR ACT

** PN113-86-04-11-028
TIMELY AND APPROPRIATE ENFORCEMENT RESPONSE GUIDANCE

COMPLETE LISTING OF THE CONTENTS OF VOLUME 2
OF THE AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
(SEPTEMBER 1990)

** PN113-86-04-11-029
GUIDANCE ON FEDERALLY-REPORTABLE VIOLATIONS FOR STATIONARY AIR SOURCES

** PN113-86-04-22-030
TRANSMITTAL OF NATIONAL PROGRAM GUIDANCE - ENFORCEMENT APPLICATIONS OF CONTINUOUS EMISSION MONITORING SYSTEM DATA

** PN113-86-06-02-031
113(d)(4) LETTER TO CAN MANUFACTURERS INSTITUTE

** PN113-86-08-07-032
POLICY ON THE AVAILABILITY OF LOW-SOLVENT TECHNOLOGY SCHEDULES IN CLEAN AIR ACT ENFORCEMENT ACTIONS

** PN113-86-08-22-033
SAMPLE FEDERAL REGISTER LANGUAGE FOR PROPOSAL AND FINAL DCO'S

** PN113-87-01-09-034
LETTER TO TOM BISPHRAM ON CDS DATA REPORTING REQUIREMENTS

** PN113-87-03-25-035
REVISED CLEAN AIR ACT STATIONARY SOURCE CIVIL PENALTY POLICY

** PN113-87-05-27-036
REACTIVATION OF NORANDA LAKESHORE MINES' RLA PLANT AND PSD REVIEW

** PN113-87-06-25-037
PROPER AND TIMELY REVIEW OF STATE IMPLEMENTATION PLAN (SIP) REVISIONS

** PN113-87-07-06-038
SMALL VOC SOURCE COMPLIANCE STRATEGY - FINAL

** PN113-87-09-11-040
REPORTING REQUIREMENTS AND SUPPLEMENTAL GUIDANCE: SMALL VOC SOURCE COMPLIANCE STRATEGY

** PN113-87-09-23-041
REVIEW OF STATE IMPLEMENTATION PLANS AND REVISIONS FOR ENFORCEABILITY AND LEGAL SUFFICIENCY

** PN113-87-11-23-042
SETTLING ENFORCEMENT ACTIONS IN CLEAN AIR ACT NONATTAINMENT AREAS AGAINST STATIONARY SOURCES WHICH WILL NOT BE IN COMPLIANCE BY THE APPLICABLE ATTAINMENT DATE

COMPLETE LISTING OF THE CONTENTS OF VOLUME 2
OF THE AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
(SEPTEMBER 1990)

** PN113-87-12-31-043
GUIDANCE ON EVALUATING CLEAN AIR ACT ENFORCEMENT OF STATE IMPLEMENTATION PLAN VIOLATIONS INVOLVING PROPOSED STATE REVISIONS

** PN113-87-10-08-044
POLICY ON CORRECTING THE CONDITION GIVING RISE TO LISTING UNDER THE CONTRACTOR LISTING PROGRAM

** PN113-88-03-02-045
REVISIONS TO VOLATILE HAZARDOUS AIR POLLUTANT (VHAP) CIVIL PENALTY POLICY

** PN113-88-03-11-046
LISTING ASBESTOS DEMOLITION AND RENOVATION COMPANIES PURSUANT TO SECTION 306 OF THE CLEAN AIR ACT

** PN113-88-03-31-047
TRANSMITTAL OF OAQPS INTERIM CONTROL POLICY STATEMENT

** PN113-88-03-31-048
TRANSMITTAL OF REISSUED OAQPS CEMS POLICY

** PN113-88-03-31-049
IMPLEMENTATION OF RULE EFFECTIVENESS STUDIES

** PN113-88-06-30-050
ASBESTOS CONTRACTOR LISTING

** PN113-88-07-05-051
TRANSMITTAL OF SO2 CONTINUOUS COMPLIANCE STRATEGY

** PN114-88-03-31-006
COMPLIANCE MONITORING STRATEGY FOR FY 89

** PN123-86-02-11-011
PRIORITY FOR REVIEW OF PARTICULATE MATTER SOURCES FOR COMPLIANCE WITH REVISED STACK HEIGHT REGULATIONS

** PN123-86-02-11-012
CLARIFICATION OF EXISTING GUIDANCE ON DISPERSION MODELING REQUIREMENTS FOR PLANTS WITH "TALL STACKS" AND OTHER PROHIBITED DISPERSION TECHNIQUES

** PN123-87-09-03-013
TECHNICAL SUPPORT FOR STACK HEIGHT NEGATIVE DECLARATIONS

** PN123-87-10-09-014
PROCESSING OF STACK HEIGHT NEGATIVE DECLARATIONS

COMPLETE LISTING OF THE CONTENTS OF VOLUME 2
OF THE AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
(SEPTEMBER 1990)

** PN123-88-01-07-015
STACK HEIGHT EMISSIONS BALANCING - FINAL POLICY STATEMENT (53 FR 480)

** PN123-88-05-17-016
APPLICATION OF THE INTERIM POLICY FOR STACK HEIGHT REGULATORY ACTIONS

** PN123-89-04-20-017
LETTER TO JOHN PROCTOR FROM G. EMISON

** PN126-89-01-11-005
LETTER TO THOMAS JORLING REGARDING INTERSTATE AIR POLLUTION CRITERIA

** PN165-86-11-24-016
NEED FOR A SHORT-TERM BEST AVAILABLE CONTROL TECHNOLOGY (BACT) ANALYSIS FOR THE PROPOSED WILLIAM A. ZIMMER POWER PLANT

** PN165-87-02-27-017
PLANTWIDE DEFINITION OF MAJOR STATIONARY SOURCES OF AIR POLLUTION

** PN165-87-04-08-018
CLARIFICATION OF NEW SOURCE REVIEW POLICY ON AVERAGING TIMES FOR PRODUCTION LIMITATIONS

** PN165-87-04-22-019
HUNTSVILLE INCINERATOR - DETERMINING BEST AVAILABLE CONTROL TECHNOLOGY (BACT)

** PN165-87-06-26-020
OPERATIONAL GUIDANCE ON CONTROL TECHNOLOGY FOR NEW AND MODIFIED MUNICIPAL WASTE COMBUSTORS(MWCs)

** PN165-87-09-22-021
IMPLEMENTATION OF NORTH COUNTY RESOURCE RECOVERY PSD REMAND

** PN165-87-12-01-022
IMPROVING NEW SOURCE REVIEW (NSR) IMPLEMENTATION

** PN165-86-07-07-024
PREVENTION OF SIGNIFICANT DETERIORATION (PSD) DEFINITION OF "MODIFICATION"

** PN165-86-10-21-025
APPLICABILITY OF PSD TO PORTIONS OF A PLANT CONSTRUCTED IN PHASES WITHOUT PERMITS

COMPLETE LISTING OF THE CONTENTS OF VOLUME 2
OF THE AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
(SEPTEMBER 1990)

** PN165-86-12-01-026
NEED FOR EMISSION CAP ON COMPLEX NETTING SOURCES

** PN165-87-01-29-027
IMPLEMENTATION OF THE REVISED MODELING GUIDELINE FOR PREVENTION OF SIGNIFICANT DETERIORATION (PSD)

** PN165-87-08-05-028
IMPLEMENTATION OF REVISED PREVENTION OF SIGNIFICANT DETERIORATION (PSD) PROGRAM FOR PARTICULATE MATTER

** PN165-87-10-06-029
EMISSIONS FROM LANDFILLS

** PN165-88-04-25-030
LAER EMISSION LIMITS FOR AUTOMOBILE AND LIGHT-DUTY TRUCK TOPCOAT OPERATIONS

** PN165-88-06-07-031
RESPONSE TO REQUEST FOR PREVENTION OF SIGNIFICANT DETERIORATION (PSD) APPLICABILITY DETERMINATION

** PN165-88-07-05-032
AIR QUALITY ANALYSIS FOR PREVENTION OF SIGNIFICANT DETERIORATION (PSD)

** PN165-88-07-28-033
SUPPLEMENTAL GUIDANCE IN IMPLEMENTING THE NORTH COUNTY PREVENTION OF SIGNIFICANT DETERIORATION (PSD) REMAND

** PN165-88-08-29-034
TRANSFER OF TECHNOLOGY IN DETERMINING LOWEST ACHIEVABLE EMISSION RATE (LAER)

** PN165-88-09-09-035
APPLICABILITY OF PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NEW SOURCE PERFORMANCE STANDARDS (NSPS) TO THE WISCONSIN ELECTRIC POWER COMPANY (WEPCO) PORT WASHINGTON LIFE EXTENSION PROJECT

** PN165-88-10-14-036
LETTER TO JOHN BOSTON FROM LEE THOMAS ON WEPCO DETERMINATION

** PN165-89-02-15-037
GUIDANCE ON EARLY DELEGATION OF AUTHORITY FOR THE NITROGEN DIOXIDE (NO2) INCREMENTS PROGRAM

COMPLETE LISTING OF THE CONTENTS OF VOLUME 2
OF THE AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
(SEPTEMBER 1990)

** PN165-89-02-28-038
GUIDANCE ON DETERMINING LOWEST ACHIEVABLE EMISSION RATE (LAER)

** PN165-89-03-16-039
USE OF ALLOWABLE EMISSIONS FOR NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS) IMPACT ANALYSES UNDER THE REQUIREMENTS FOR PREVENTION OF SIGNIFICANT DETERIORATION (PSD)

** PN165-89-03-31-040
APPLICATION OF BUILDING DOWNWASH IN PREVENTION OF SIGNIFICANT DETERIORATION (PSD) PERMIT ANALYSES

** PN165-89-04-10-041
PREVENTION OF SIGNIFICANT DETERIORATION (PSD) APPLICABILITY TO SULFUR DIOXIDE (SO2) EMISSIONS FROM INCINERATION OF TOTAL REDUCED SULFUR (TRS) COMPOUNDS

** PN165-89-02-15-042
LETTER TO JOHN BOSTON FROM DON CLAY ON WEPCO DETERMINATION

** PN165-89-06-13-043
TRANSMITTAL OF BACKGROUND STATEMENT ON "TOP-DOWN" BEST AVAILABLE CONTROL TECHNOLOGY (BACT)

** PN165-89-08-24-044
GUIDANCE ON IMPLEMENTING THE NITROGEN DIOXIDE (NO2) PREVENTION OF SIGNIFICANT DETERIORATION (PSD) INCREMENTS

** PN165-89-09-18-045
REQUEST FOR CLARIFICATION OF POLICY REGARDING THE "NET EMISSIONS INCREASE"

** PN165-89-02-24-046
CUT-OFF DATE FOR DETERMINING LAER IN MAJOR NEW SOURCE PERMITTING

** PN165-89-08-09-047
LAER DETERMINATION FOR A PREVIOUSLY CONSTRUCTED SOURCE

** PN165-89-09-11-048
LETTER TO CHRISTOPHER J. DAGGETT FROM GERALD A. EMISON ON USE OF UREA INJECTION FOR NOX CONTROL FROM MUNICIPAL WASTE COMBUSTORS

** PN165-90-01-18-049
LETTER TO MORTON STERLING OF DETROIT EDISON FROM GERALD E. EMISON

** PN165-90-06-08-050
LETTER TO JOHN BOSTON FROM WILLIAM G. ROSENBERG ON WEPCO DETERMINATION

COMPLETE LISTING OF THE CONTENTS OF VOLUME 2
OF THE AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
(SEPTEMBER 1990)

** PN167-88-03-29-002
OPINION IN U.S. V. LOUISIANA-PACIFIC CORPORATION

** PN167-88-07-15-003
PROCEDURES FOR EPA TO ADDRESS DEFICIENT NEW SOURCE PERMITS UNDER THE CLEAN AIR ACT

** PN169A-86-11-10-002
VISIBILITY PROTECTION STATE IMPLEMENTATION PLANS (SIP'S)--VISIBILITY SIP'S PART II

** PN172-86-02-28-052
RESPONSES TO FOUR VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE

** PN172-86-10-30-053
INCLUSION OF CLEAN-UP SOLVENTS IN DETERMINING APPLICABILITY TO THE 100-TON PER YEAR NON-CTG REQUIREMENTS

** PN172-87-06-25-054
EMISSION CUT-OFF FOR CONTROL TECHNIQUES GUIDELINES VOLATILE ORGANIC COMPOUND SOURCES

** PN172-87-09-09-055
ALTERNATIVE COMPLIANCE FOR GRAPHIC ARTS RACT

** PN172-86-01-09-057
CLARIFICATION OF CTG RACT RECOMMENDATIONS FOR HIGH-DENSITY POLYETHYLENE, POLYPROPYLENE, AND POLYSTYRENE

** PN172-86-09-29-058
SEASONAL VOC CONTROLS

** PN172-87-09-11-059
GEOGRAPHIC APPLICABILITY OF CLEAN AIR ACT SANCTIONS

** PN172-87-12-10-060
LETTER TO LEONARD LEDBETTER ON USE OF POTENTIAL VS ACTUAL EMISSIONS FOR VOC REGULATIONS

** PN172-88-05-27-061
TRANSMITTAL OF EPA GUIDANCE ON VOC ISSUES

** PN172-88-06-21-062
TRANSMITTAL OF AUTOMOBILE TOPCOAT PROTOCOL

COMPLETE LISTING OF THE CONTENTS OF VOLUME 2
OF THE AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
(SEPTEMBER 1990)

** PN172-88-08-23-063
LETTER TO WILLIAM JURIS ON VOC EMISSION CUTOFF

** PN172-88-09-07-064
AIR PROGRAMS APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS COMPLIANCE WITH THE STATUTORY PROVISIONS OF PART D AND SECTION 110 OF THE CLEAN AIR ACT (FR CITATION)

** PN172-88-11-04-065
EPA AUTHORITY TO REQUEST CHANGES IN RACT RULES

** PN172-88-12-01-066
RACT REQUIREMENTS IN OZONE NONATTAINMENT AREAS

** PN172-88-12-16-067
VOLATILE ORGANIC COMPOUND (VOC) DISPOSAL REGULATION

** PN172-89-01-27-069
TRANSMITTAL OF QUESTIONS AND ANSWERS ON EMISSION INVENTORIES FOR POST-1987 OZONE AND CARBON MONOXIDE STATE IMPLEMENTATION PLAN CALL AREAS

** PN172-89-02-15-070
MARINE VESSEL VAPOR CONTROL

** PN172-89-03-16-071
COMPLIANCE SCHEDULES FOR VOLATILE ORGANIC COMPOUNDS (VOC's)

** PN172-89-04-03-072
APPLICABILITY OF MISCELLANEOUS METAL PARTS AND PRODUCTS COATINGS REGULATIONS TO ADHESIVES, SEALANTS AND FILLERS

** PN172-89-04-07-073
BASELINE FOR CROSS-LINE AVERAGING

** PN172-89-05-03-074
IDENTIFICATION OF NEW AREAS EXCEEDING THE NAAQS

** PN172-89-05-25-075
CORRECTING CAPTURE EFFICIENCY (CE) REGULATIONS

** PN172-89-07-06-076
AEROSPACE AND SIMILAR RULES IN OZONE STATE IMPLEMENTATION PLANS (SIP'S)

** PN172-89-10-24-077
COMPLIANCE TIME PERIOD FOR ELECTROPHORETIC PRIME-COATING OPERATIONS

COMPLETE LISTING OF THE CONTENTS OF VOLUME 2
OF THE AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
(SEPTEMBER 1990)

** PN172-90-02-28-078
LOWEST ACHIEVABLE EMISSION LIMITS (LAER) FOR OZONE NONATTAINMENT AREAS

** PN172-90-06-18-079
OZONE AND CARBON MONOXIDE DESIGN VALUE CALCULATIONS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

MAY 10 1984

MEMORANDUM

SUBJECT: Air Programs Policy and Guidance Note-book - Update No. 7

FROM: John R. O'Connor, Acting Director
Office of Air Quality Planning and Standards (MD-10)

TO: Recipients of the Guidance Notebook

We are attaching new material for your Air Programs Policy and Guidance Notebook. The updated material should be placed in reverse chronological order at the beginning of each section as indicated by the document number at the top right-hand corner of each item. Please make all the changes indicated in the attached set of detailed instructions that accompany the new material.

We hope you find this information helpful in carrying out your air programs.

Attachment

filed
063087

DETAILED INSTRUCTIONS FOR PLACING UPDATED MATERIAL IN NOTEBOOK
AND REMOVING SUPERSEDED OR OUTDATED MATERIAL

1. Remove the following documents:

PN 110-77-08-16-001	Guidance on SIP Development and New Source Review in Areas Impacted by Fugitive Dust
PN 110-78-05-16-005	Options for Handling State Implementation Plans Relaxation in Face of Uncertainty
PN 110-78-10-11-009	Questions and Answers on 1979 SIP Revisions
PN 110-78-12-21-012	Supplementary Guidelines for Lead Implementation Plans--Corrections
PN 110-79-02-21-014	Inspection/Maintenance Policy
PN 110-79-07-16-018	Revision to Procedure for Projecting Automotive Lead Emissions
PN 110-79-09-21-021	Secondary Standards Attainment Plans - Extensions of Submittal Date
PN 110-79-10-02-022	Amendments to Ambient Monitoring Regulations
PN 110-80-03-04-029	Deadline for Review of State Implementation Plan Submittals
PN 110-80-06-20-036	Attainment Date for Ambient Lead Standard
PN 110-80-07-15-038	Attainment Dates for Newly Designated Nonattainment Areas
PN 113-81-04-24-009	Final Compliance Date for Unclassified Areas

2. Discard existing "Subject Index" material and replace with new "Subject Index" material.

3. Remove "Title Listing by CAA Section" and replace with new "Title Listing by CAA Section."

4. Remove "Section 107: Air Quality Control Regions" listing and replace with new "Section 107: Air Quality Control Regions" listing.

5. Add new PN107 material in reverse chronological order, item 008.

6. Remove "Section 110: Implementation Plans" listing and replace with new "Section 110: Implementation Plans" listing.

7. Add new PN 110 material in reverse chronological order including 063 and 064.

8. Remove "Section 111(e): NSPS Enforcement" listing and replace with new "Section 111(e) NSPS Enforcement" listing.

9. Add new PN 111(e) material in reverse chronological order, item 003.

10. Remove "Section 113: Federal Enforcement" listing and replace with new "Section 113: Federal Enforcement" listing.

11. Add new PN 113 material in reverse chronological order including 018,019 and 020.

12. Remove "Section 114: Inspections, Monitoring and Entry" listing and replace with new "Section 114: Inspections, Monitoring, and Entry" listing.

13. Add new PN 114 material in reverse chronological order, item 003.

14. Remove "Section 165: Preconstruction Requirements" listing and replace with new "Section 165: Preconstruction Requirements" listing.

15. Add new PN 165 material in reverse chronological order including 012 and 013.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

OCT 19 1983

MEMORANDUM

SUBJECT: Air Programs Policy and Guidance Notebook - Update No. 6

FROM: for B.J. Steigerwald, Acting Director
Office of Air Quality Planning and Standards (MD-10)

TO: Recipients of the Guidance Notebook

We are attaching new material for your Air Programs Policy and Guidance Notebook. The updated material should be placed in reverse chronological order at the beginning of each section as indicated by the document number at the top right hand corner of each item. Please make all the changes indicated in the attached set of detailed instructions that accompany the new material.

We hope you find this information helpful in carrying out your air programs.

Attachment

filed 063087

DETAILED INSTRUCTIONS FOR PLACING UPDATED MATERIAL IN NOTEBOOK AND REMOVING SUPERSEDED OR OUTDATED MATERIAL

1. Remove "Table of Contents" and replace with new "Table of Contents".
2. Relocate "Subject Index" divider immediately after "Table of Contents" pages. Discard existing "Subject Index" material and replace with new "Subject Index" material.
3. Remove "Title Listing by CAA Section" and replace with new "Title Listing by CAA Section".
4. Remove "Section 107: Air Quality Control Regions" listing and replace with new "Section 107: Air Quality Control Regions" listing.
5. Add new PN-107 material in reverse chronological order including 006 and 007.
6. Remove "Section 110: Implementation Plans" listing and replace with new "Section 110: Implementation Plans" listing.
7. Add new PN-110 material in reverse chronological order including 062, 061, 060, and 059.
8. Remove "Section 111(e): NSPS Enforcement" listing and replace with new "Section 111(e) NSPS Enforcement" listing.
9. Add new PN-111(e) material in reverse chronological order, item 002.
10. Remove "Section 112: Hazardous Air Pollutants" listing and replace with new "Section 112: Hazardous Air Pollutants" listing.
11. Add new PN-112 material in reverse chronological order, item 002.
12. Remove "Section 113: Federal Enforcement" listing and replace with new "Section 113: Federal Enforcement" listing.
13. Add new PN-113 material in reverse chronological order, items 010 through 014 and 016 and 017.
14. Remove "Section 165: Preconstruction Requirements" listing and replace with new "Section 165: Preconstruction Requirements" listing.
15. Add new PN-165 material in reverse chronological order, item 011.
16. Remove "Section 172: Nonattainment Plan Revisions" listing and replace with new "Section 172: Nonattainment Plan Revisions" listing.
17. Add new PN-172 material in reverse chronological order, items 041 and 042.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D C. 20460

OFFICE OF
AIR, NOISE, AND RADIATION

May 4, 1983

MEMORANDUM

SUBJECT: Air Programs Policy and Guidance Notebook - Update No. 5

FROM: Sheldon Meyers, Director
Office of Air Quality Planning and Standards (ANR-443)

TO: Recipients of the Guidance Notebook

We are attaching new material for your Air Programs Policy and Guidance Notebook. You will note that the updated material has been expanded to include enforcement guidance not previously included in the Notebook. This is due to a recent EPA organizational change; certain elements of the Office of Enforcement are now included within the Office of Air, Noise, and Radiation (OANR) and the corresponding guidance is being included in the Notebook. The updated material should be placed in reverse chronological order at the beginning of each section as indicated by the document number at the top right hand corner of each item. You will also find a new Table of Contents, a new Title Listing, and a new Subject Index to replace the ones now in your book. Please remove the old Table of Contents, Title Listing, and Subject Index from your book since their replacements contain both old as well as updated material.

Included with the material that updates existing sections of the Notebook are materials and appropriate dividers for five new sections: Section 111(e), NSPS Enforcement; Section 112, Hazardous Air Pollutants; Section 113, Federal Enforcement; Section 120, Noncompliance Penalties; and Section 320, Standardized Air Quality Modeling. Dividers for these sections should be added to your notebook in numerical sequence.

Please make the changes as indicated in the attached set of detailed instructions that accompany this package.

We hope this information will be helpful in carrying out your air programs.

Attachment

filed 063087

DETAILED INSTRUCTIONS FOR PLACING UPDATED MATERIAL IN NOTEBOOK AND REMOVING SUPERSEDED OR OUTDATED MATERIAL

1. Remove the following documents:

PN-110-81-1-19-048	Guidance on Modeling for Bubbles Involving Point or Process Sources.
PN-110-80-03-12-031	Response to Questions on Bubble Policy.

2. Remove "Table of Contents" and replace with new "Table of Contents" in updated package.

3. Remove "Title Listing by CAA Section" and replace with new "Title Listing by CAA Section".

4. Remove "Section 110: Implementation Plans" listing and replace with new "Section 110: Implementation Plans" listing.

5. Add new PN-110 material in reverse chronological order including 014A, 017A, 023A, 034A and 058.

6. Place "Section 111(e): NSPS Enforcement" divider in Notebook between Section 111(d) and Section 114.

7. Add "Section 111(e): NSPS Enforcement" listing followed by memo identified as PN-111(e)-76-05-03-001.

8. Place "Section 112: Hazardous Air Pollutants" divider in Notebook between Section 111(e) and Section 114.

9. Add "Section 112: Hazardous Air Pollutants" listing followed by memo identified as PN-112-78-03-30-001.

10. Place "Section 113: Federal Enforcement" divider in Notebook between Section 112 and Section 114.

11. Add "Section 113: Federal Enforcement" listing followed by memos identified as PN-113-81-04-24-009 through PN-113-75-11-05-001 in reverse chronological order.

12. Remove "Section 114: Inspections, Monitoring, and Entry" listing and replace with new "Section 114: Inspections, Monitoring, and Entry" listing.

13. Add new PN 114 material in reverse chronological order beginning with 001A and ending with 002.

14. Place "Section 120: Noncompliance Penalty" divider in Notebook between Section 115 and Section 123.

15. Add "Section 120: Noncompliance Penalty" listing followed by memos identified as PN-120-81-04-30-005 through PN-120-80-09-12-001 in reverse chronological order.

16. Remove "Section 123: Stack Heights" listing and replace with "Section 123: Stack Heights" listing.

17. Add new PN-123 material in reverse chronological order beginning with 005 and ending with 004.

18. Place "Section 320: Standardized Air Quality Modeling" divider in Notebook between Section 301 and Section 406.

19. Add "Section 320: Standardized Air Quality Modeling" listing followed by memo identified as PN-320-82-04-01-001.

20. Remove "Subject Index" and replace with new "Subject Index."

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

DATE May 3, 1982

SUBJECT Air Programs Policy and Guidance Notebook

FROM Walter C. Barber, Director
Office of Air Quality Planning and Standards (MD-10)

TO Recipients of the Guidance Notebook

We are attaching new material for your Air Programs Policy and Guidance Notebook. The updated material should be placed in reverse chronological order at the beginning of each section as indicated by the document number at the top right hand corner of each item. You will also find a new Table of Contents, a new Title Listing, and a new Subject Index to replace the ones now in your book. Please remove the old Table of Contents, Title Listing, and Subject Index from your book since their replacements contain both old as well as updated material.

Included with the material that updates existing sections of the Notebook are materials and an appropriate divider for a new section: Section 111(d) Plans. Please add this section to your notebook in numerical sequence.

We have also identified a number of documents that have been superseded or are outdated and should be removed from your notebook. Please make all these changes as indicated in the attached set of detailed instructions that accompany the new material.

We hope this information is helpful in carrying out your air quality programs.

Attachment

filed 063087

DETAILED INSTRUCTIONS FOR PLACING UPDATED MATERIAL

IN NOTEBOOK AND REMOVING SUPERSEDED OR OUTDATED MATERIAL

1. Remove the following documents:

PN-107-78-10-18-003	Unclassified Counties with Significant VOC Point Sources.
PN-107-78-03-24-001	Follow-up Actions Regarding Section 107 Attainment Designations.
PN-110-81-07-27-053	Normal/Special Action Criteria for SIP Revisions to Relax SO_2 Emission Limits.
PN-110-81-01-26-049	Federal Register Actions for Bubble Proposals.
PN-110-80-11-21-047	Criteria for Determining if Lead SIPs are Normal or Special Actions.
PN-110-80-11-17-045	Bubble Proposal for the ARMCO, Inc. Middletown Works.
PN-110-80-08-14-042	Criteria for Evaluating Bubble Transactions Equivalency Demonstrations.
PN-110-80-07-14-037	Credit for Increasing Stack Heights at Existing Sources.
PN-110-80-06-12-035	Information Required in Federal Register Packages.
PN-110-80-02-01-026	Reasonable Available Control Technology for Particulate Matter.
PN-110-79-12-28-025	SIP Relaxation in Nonattainment Areas.
PN-110-79-12-11-024	SIP Issue Memorandum, No. 2.
PN-110-79-08-23-019	SIP Issue Memorandum, No. 1 (Conditional Approvals, 18 Month Extensions).
PN-123-81-06-25-003	Requirements for Fluid Modeling for Stack Height Increases.

PN-123-81-04-06-002	Good Engineering Practice (GEP) De Minimis Stack Height.
PN-126-80-06-08-003	Interstate Pollution Abatement Petitions - Policy Statement.
PN-126-78-07-26-002	Union Electric Variance - Interstate Equity.
PN-165-80-02-26-005	Implementation of PSD Administrative Stay.
PN-165-80-02-08-004	Conditional Language for PSD Permits.
PN-165-79-07-03-003	Conditional Language for PSD Permits.
PN-165-79-01-10-002	BACT Determination for Power Plants Subject to Revised NSPS.
PN-172-80-07-01-028	Boiler Plate Language for Ozone SIPs.
PN-172-79-11-14-022	Data Collection for 1982 Ozone Implementation Plan Submittals.
PN-172-79-02-21-013	Determination of Reductions Necessary to Attain the Ozone Standard.
PN-172-78-11-01-010	Guidance on SIP Requirements Contained in Section 172(B)(9)(A).
PN-172-78-09-11-007	Continuity of SIP Regulations.
PN-172-78-08-16-005	Clarification of Attainment/Nonattainment Evaluation Guidance.
PN-172-78-02-02-001	Implementation of Reasonably Available Control Technology (RACT) on Hydrocarbon Stationary Sources.

2. Remove "Table of Contents" and replace with new "Table of Contents" in updated package.

3. Remove "Title Listing by CAA Section" and replace with new "Title Listing by CAA Section."

4. Remove "Section 107: Air Quality Control Regions" listing and replace with new "Section 107: Air Quality Control Regions" listing.

5. Remove "Section 110: Implementation Plans" listing and replace with new "Section 110: Implementation Plans" listing.

6. Add new PN-110 material in reverse chronological order beginning with 054 and ending with 057.

7. Place "Section 111(d) Plans" divider in Notebook between Section 110 and Section 114.

8. Add "Section 111(d): Standards of Performance for Existing Sources" listing followed by memo identified as PN-111(d)-81-9-14-001.

9. Remove "Section 123: Stack Heights" listing and replace with new "Section 123: Stack Heights" listing.

10. Remove "Section 126: Interstate Pollution Abatement" listing and replace with new "Section 126: Interstate Pollution Abatement" listing.

11. Add new PN-126 material indicated as PN-126-81-9-11-004 in reverse chronological order.

12. Remove "Section 129: Nonattainment Areas" listing and replace with new "Section 129: Nonattainment Areas" listing.

13. Add new PN-129 material indicated as PN-129-80-5-13-003 in reverse chronological order.

14. Remove "Section 165: Preconstruction Requirements" listing and replace with new "Section 165: Preconstruction Requirements" listing.

15. Add new PN-165 material in reverse chronological order beginning with 007 and ending with 010.

16. Remove "Section 172: Nonattainment Plan Provisions" listing and replace with new "Section 172: Nonattainment Plan Provisions" listing.

17. Add new PN-172 material in reverse chronological order beginning with 039 and ending with 040.

18. Remove "Subject Index" and replace with new "Subject Index."

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE December 15, 1981

Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

SUBJECT Air Programs Policy and Guidance Notebook

FROM Walter C. Barber, Director
Office of Air Quality Planning and Standards (MD-10)

TO Recipients of the Guidance Notebook

We are attaching new material for your Air Programs Policy and Guidance Notebook. The updated material should be placed in reverse chronological order at the beginning of each section as indicated by the document number at the top right hand corner of each item. You will also find a new Table of Contents, a new Title Listing, and a new Subject Index to replace the ones now in your book. Please remove the old Table of Contents, Title Listing, and Subject Index from your book since their replacements contain both old as well as updated material.

We hope you find this information helpful in carrying out your air programs.

Attachment

filed 063087

EPA Form 1320-6 (Rev. 3-76)

DETAILED INSTRUCTIONS FOR PLACING UPDATED MATERIAL IN NOTEBOOK

1. Remove "Introduction" sheet at front of book and replace with new one containing current telephone number.

2. Remove "Title Listing by CAA Section" and replace with new "Title Listing by CAA Section."

3. Remove "Section 110: Implementation Plans" listing and replace with new "Section 110: Implementation Plans" listing.

4. Add new PN-110 material in reverse chronological order beginning with 050 and ending with 053.

5. Remove "Section 123: Stack Heights" listing and replace with new "Section 123: Stack Heights" listing.

6. Add new PN-123 material in reverse chronological order beginning with 002 and ending with 003.

7. Remove "Section 165: Preconstruction Requirements" listing and replace with new "Section 165: Preconstruction Requirements" listing.

8. Add new PN-165 material indicated as 006 in reverse chronological order.

9. Remove "Section 172: Nonattainment Plan Provisions" listing and replace with new "Section 172: Nonattainment Plan Provisions" listing.

10. Add PN-172 material in reverse chronological order beginning with 036 and ending with 038.

11. Remove the Subject Index at the rear of the book and replace with new Subject Index.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Research Triangle Park, North Carolina 27711

DATE April 20,1981

SUBJECT .Air Programs Policy and Guidance Notebook

FROM for Walter C. Barber, Director
Office of Air Quality Planning and Standards

TO Recipients of the Guidance Notebook

We are attaching new material for your Air Programs Policy and Guidance Notebook. The updated material should be placed in reverse chronological order at the beginning of each section as indicated by the document number at the top right hand corner of each item. You will also find a new Table of Contents, a new Title Listing, and a new Subject Index to replace the ones now in your book. Please remove the old Table of Contents, Title Listing, and Subject Index from your book since their replacements contain both old as well as updated material.

Included with the material that updates existing sections of the Notebook are materials and appropriate dividers for two new sections: Section 114, Inspections, Monitoring and Entry; and Section 301, Administration. Please add these sections to your notebook in appropriate numerical sequence.

We hope you find this information helpful in carrying out your air quality programs.

Attachment

JM 6-2-81

DETAILED INSTRUCTIONS FOR PLACING UPDATED MATERIAL IN NOTEBOOK

1. Remove "Table of Contents" and replace with new "Table of Contents" in updated package.

2. Remove "Title Listing by CAA Section" and replace with new "Title Listing by CAA Section."

3. Remove "Section 110: Implementation Plans" listing and replace with new "Section 110: Implementation Plans" listing.

4. Add new PN-110 material in reverse chronological order beginning with 044 and ending with 049.

5. Place "Section 114: Inspections, Monitoring, and Entry" divider in Notebook between Section 110 and Section 115.

6. Add "Section 114: Inspections Monitoring, and Entry" listing followed by memo identified as PN-114-80-10-31-001.

7. Insert "Section 123: Stack Heights: listing followed by material indicated as PN-123-80-12-19-001.

8. Remove "Section 172: Nonattainment Plan Provisions" listing and replace with new "Section 172: Nonattainment Plan Provisions" listing.

9. Add PN-172 material in reverse chronological order beginning with 032 and ending with 035.

10. Remove "Section 175: Transportation Planning" listing and replace with new "Section 175: Transportation Planning" listing.

11. Place "Section 301: Administration" divider in Notebook between Section 176 and Section 406.

12. Insert "Section 301: Administration" listing followed by material indicated as PN-301-81-1-20-001.

13. Remove the Subject Index at the rear of the book and replace with new Subject Index.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Research Triangle Park, North Carolina 27711

DATE DEC 30, 1980

CT . Air Programs Policy and Guidance Notebook

FROM Walter C. Barber, Director
Office of Air Quality Planning and Standards

TO Recipients of the Guidance Notebook

Last summer we sent you a copy of the Air Programs Policy and Guidance Notebook and promised to send you periodic updates. Accordingly, we are forwarding such material. The updated material should be placed in reverse chronological order at the beginning of each section as indicated by the document number at the top right hand corner of each item. You will also find a new Table of Contents, a new Title Listing, and a new Subject Index to replace the ones now in your book. Please remove the old Table of Contents, Title Listing, and Subject Index from your book since their replacements contain both old as well as updated material.

You will also find materials and an appropriate divider for a new Section, Section 175, Transportation Planning. Please add this Section to your notebook following Section 172.

We hope you find this information helpful in carrying out your air quality programs.

Attachment

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Research Triangle Park, North Carolina 27711

DATE: June 13, 1980

SUBJECT: Air Programs Policy and Guidance Notebook

FROM: Walter C. Barber, Director
for Office of Air Quality Planning and Standards

TO: Recipients of Guidance Notebook

Accompanying this memorandum is the new Air Programs Policy and Guidance Notebook. The Notebook is for your use in referring to current air programs guidance. The Notebook includes material from my Office as well as the Offices of Transportation and Land Use Planning and Mobile Source Air Pollution Control.

The Notebook is being distributed by mail keys to the Regional Administrators and other EPA senior management officials in the Regions. In addition to officials in OANR it is also being distributed to various other headquarters officials, and is being sent to heads of State and local air pollution control agencies.

The Notebook represents a collection of material previously distributed which can be used as a handy reference for those involved in the development and implementation of air programs.

You will receive periodic updates of the Notebook from the Control Programs Development Division of my Office. Further details on the organization and distribution of the Guidance Notebook appear in the Introduction section of the Notebook itself.

Attachment

...ECTION AGENCY

Table of Contents and

Title Listing by Clean Air Act (CAA) Section

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK

Introduction

The Air Programs Policy and Guidance Notebook is a collection of previously-distributed material which can be used as a convenient reference document for anyone who is involved in the development and implementation of air pollution control programs. The material is organized according to sections of the Clean Air Act and is cross-indexed by subject.

The documents in each section have been assigned code numbers related to the respective section of the Clean Air Act, the date of issuance of the document, and a number denoting the order or location of the document in each section of the Notebook. For example, a document coded PN 172-80-06-16-027 would indicate:

Policy Notebook

Section 172 of the Clean Air Act

80-06-16 June 16, 1980 - date of initial distribution of the document

027 - 27th item included in the Section 172 portion of the Notebook

Documents within each section are arranged such that the most current documents generally appear at the front of any given section. To accomplish this, the documents should be placed in each section so that the last three digits of the code number are in descending order.

The subject index in the Notebook lists code numbers for all documents relating to the individual subject. For example, economic feasibility has two documents listed: PN 110-86-04-11-074 and PN 110-87-01-20-080. This indicates that both documents can be found in the Section 110 chapter of the Notebook. They can readily be located in the book using the code information as explained above.

Users of the Policy and Guidance Notebook should be aware that it does not necessarily contain all of EPA's policy and guidance related to a given topic. It is a compilation of policy and guidance documents but the users cannot rely only upon the Notebook for all of their needs. Users should be aware of other policy compilations which might be useful. One such compilation is the Clean Air Act Compliance/Enforcement Manual -- Compendium of Operative Policies, which is maintained by EPA's Office of Enforcement and Compliance Monitoring. Another compilation is the New Source Review - Prevention of Significant Deterioration and Nonattainment Area Guidance Notebook, which is also published by EPA's Office of Air Quality Planning and Standards.

Distribution of the Notebook is to EPA Regional Offices and to officials of State and local agencies. Recipients of the Notebook will receive periodic updates. For additional information related to the Notebook please call Bill Hamilton, Office of Air Quality Planning and Standards, at FTS 629-5498 or 919-541-5498.

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** 100 TPY SOURCES		
PN165-87-10-06-029	VOLUME 2	EMISSIONS FROM LANDFILLS
PN172-84-06-25-047	VOLUME 1	CONFIRMATION OF DEFINITION OF "100 TON-PER-YEAR (100 TPY) SOURCE"
PN172-84-12-21-049	VOLUME 1	CONNECTICUT VOLATILE ORGANIC COMPOUND (VOC) ISSUES
PN172-86-10-30-053	VOLUME 2	INCLUSION OF CLEAN-UP SOLVENTS IN DETERMINING APPLICABILITY TO THE 100-TON PER YEAR NON-CTG REQUIREMENTS
** 1983 AIR QUALITY DATA		
PN107-85-04-08-009	VOLUME 1	LETTER TO JUDGE TERRY ROBERTS FROM GERALD A. EMISON
** 30-DAY AVERAGING		
PN110-86-05-23-075	VOLUME 2	LETTER TO NANCY MALOLEY FROM CRAIG POTTER ON THE INDIANA SO2 SIP
** ADMINISTRATIVE ORDERS		
PN113-78-07-27-005	VOLUME 1	ENFORCEMENT UNDER CLEAN AIR ACT AMENDMENTS - ORDERS UNDER SECTION 113(A) AND 113(D)
** AEROSPACE INDUSTRY		
PN172-89-07-06-076	VOLUME 2	AEROSPACE AND SIMILAR RULES IN OZONE STATE IMPLEMENTATION PLANS (SIP'S)
** AFTERBURNERS		
PN165-85-06-28-023	VOLUME 2	MEMO TO WILLIAM S. BAKER ON SEASONAL AFTERBURNER POLICY
PN172-80-12-01-033	VOLUME 1	REVISED SEASONAL AFTERBURNER POLICY
PN172-86-02-28-052	VOLUME 2	RESPONSES TO FOUR VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
** AIR QUALITY MODELING		
PN107-83-04-21-008	VOLUME 1	SECTION 107 DESIGNATION POLICY SUMMARY
PN110-85-01-02-070	VOLUME 1	REGIONAL IMPLEMENTATION OF MODELING GUIDANCE
PN110-87-04-30-082	VOLUME 2	AMBIENT AIR
PN110-87-04-30-083	VOLUME 2	AMBIENT AIR
PN110-87-09-21-086	VOLUME 2	AMBIENT AIR DEFINITION
PN110-87-05-11-088	VOLUME 2	GUIDANCE ON ACCOUNTING FOR TRENDS IN PARTICULATE MATTER EMISSION AND AIR QUALITY DATA
PN123-85-10-10-007	VOLUME 1	QUESTIONS AND ANSWERS ON IMPLEMENTING THE REVISED STACK HEIGHT REGULATION
PN165-84-01-20-013	VOLUME 1	PSD INCREMENT CONSUMPTION CALCULATIONS
PN165-87-01-29-027	VOLUME 2	IMPLEMENTATION OF THE REVISED MODELING GUIDELINE FOR PREVENTION OF SIGNIFICANT DETERIORATION (PSD)
PN165-89-03-31-040	VOLUME 2	APPLICATION OF BUILDING DOWNWASH IN PREVENTION OF SIGNIFICANT DETERIORATION (PSD) PERMIT ANALYSES
PN172-78-03-10-002	VOLUME 1	EXAMPLE DEMONSTRATION OF ATTAINMENT FOR PHOTOCHEMICAL OXIDANTS
PN172-81-01-22-039	VOLUME 1	STATE IMPLEMENTATION PLANS-APPROVAL OF 1982 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NEEDING AN ATTAINMENT DATE EXTENSION (FR CITATION)
PN172-89-05-03-074	VOLUME 2	IDENTIFICATION OF NEW AREAS EXCEEDING THE NAAQS

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** AIR QUALITY MONITORING		
PN107-86-04-11-012	VOLUME 2	REQUIRED MONITORING PERIOD FOR OZONE REDESIGNATION IN UNCLASSIFIED AREAS
PN110-79-11-21-023	VOLUME 1	MINIMUM NUMBER OF SAMPLES FOR DETERMINING QUARTERLY AVERAGE LEAD CONCENTRATION
PN110-83-03-18-063	VOLUME 1	LETTER TO HARRY H. HOVEY RE EPA POLICY WITH REGARD TO AMBIENT AIR
PN110-83-05-27-064	VOLUME 1	SUMMARY OF NAAQS INTERPRETATION
PN110-87-05-11-088	VOLUME 2	GUIDANCE ON ACCOUNTING FOR TRENDS IN PARTICULATE MATTER EMISSION AND AIR QUALITY DATA
PN110-88-11-21-099	VOLUME 2	REVISION TO POLICY ON THE USE OF PM10 MEASUREMENT DATA
PN172-81-05-21-038	VOLUME 1	1982 OZONE AND CARBON MONOXIDE SIP GUIDANCE INDEX
PN172-81-01-22-039	VOLUME 1	STATE IMPLEMENTATION PLANS-APPROVAL OF 1982 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NEEDING AN ATTAINMENT DATE EXTENSION (FR CITATION)
** AIR TOXICS STRATEGY		
PN112-85-06-xx-007	VOLUME 1	REPRINT OF THE EPA AIR TOXICS STRATEGY (REFERENCE ONLY)
** AMBIENT AIR		
PN110-83-03-18-063	VOLUME 1	LETTER TO HARRY H. HOVEY RE EPA POLICY WITH REGARD TO AMBIENT AIR
PN110-83-05-26-068	VOLUME 1	DEFINITION OF AMBIENT AIR FOR LEAD
PN110-87-04-30-082	VOLUME 2	AMBIENT AIR
PN110-87-04-30-083	VOLUME 2	AMBIENT AIR
PN110-87-09-21-086	VOLUME 2	AMBIENT AIR DEFINITION
PN123-80-12-19-001	VOLUME 1	LETTER TO HONORABLE JENNINGS RANDOLPH FROM DOUGLAS M. COSTLE REGARDING DEFINITION OF AMBIENT AIR
PN165-84-06-11-014	VOLUME 1	APPLICABILITY OF PSD INCREMENTS TO BUILDING ROOFTOPS
** ARSENIC		
PN112-86-10-01-009	VOLUME 2	GUIDELINE S-26 - ENFORCEMENT OF THE ARSENIC NESHAP FOR GLASS MANUFACTURING PLANTS
** ASBESTOS		
PN112-78-03-30-001	VOLUME 1	STATE ENFORCEMENT OF ASBESTOS DEMOLITION REGULATIONS IN LIGHT OF ADAMO WRECKING COMPANY V. UNITED STATES
PN112-85-02-08-006	VOLUME 1	REVISIONS TO ASBESTOS DEMOLITION AND RENOVATION CIVIL PENALTY POLICY
PN112-88-03-31-010	VOLUME 2	REVISED ASBESTOS NESHAP STRATEGY
PN113-88-03-11-046	VOLUME 2	LISTING ASBESTOS DEMOLITION AND RENOVATION COMPANIES PURSUANT TO SECTION 306 OF THE CLEAN AIR ACT
PN113-88-06-30-050	VOLUME 2	ASBESTOS CONTRACTOR LISTING
** ATTAINMENT DATE POLICY		
PN172-79-01-16-012	VOLUME 1	CONTINUITY OF SIP REGULATIONS - REVISED ENCLOSURE
PN172-82-10-29-041	VOLUME 1	QUESTIONS AND ANSWERS ON 1982 OZONE AND CO SIPS

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** ATTAINMENT DEMONSTRATION		
PN107-83-04-21-008	VOLUME 1	SECTION 107 DESIGNATION POLICY SUMMARY
PN107-85-04-08-009	VOLUME 1	LETTER TO JUDGE TERRY ROBERTS FROM GERALD A. EMISON
PN110-83-03-18-063	VOLUME 1	LETTER TO HARRY H. HOVEY RE EPA POLICY WITH REGARD TO AMBIENT AIR
PN110-87-05-11-088	VOLUME 2	GUIDANCE ON ACCOUNTING FOR TRENDS IN PARTICULATE MATTER EMISSION AND AIR QUALITY DATA
PN110-88-06-17-094	VOLUME 2	DEMONSTRATION OF "REPRESENTATIVE EMISSION CONDITIONS" FOR USE IN "EXPECTED EXCEEDANCE" DETERMINATIONS
PN172-78-03-10-002	VOLUME 1	EXAMPLE DEMONSTRATION OF ATTAINMENT FOR PHOTOCHEMICAL OXIDANTS
** ATTAINMENT EXTENSIONS		
PN172-81-01-22-039	VOLUME 1	STATE IMPLEMENTATION PLANS-APPROVAL OF 1982 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NEEDING AN ATTAINMENT DATE EXTENSION (FR CITATION)
PN172-82-10-29-041	VOLUME 1	QUESTIONS AND ANSWERS ON 1982 OZONE AND CO SIPS
** AUTO COATINGS		
PN110-80-07-31-039	VOLUME 1	APPLICABILITY OF VOC CONTROL TECHNIQUE GUIDELINES (CTGS) TO THE AUTOMOBILE MANUFACTURING INDUSTRY
PN165-88-04-25-030	VOLUME 2	LAER EMISSION LIMITS FOR AUTOMOBILE AND LIGHT-DUTY TRUCK TOPCOAT OPERATIONS
PN172-78-10-06-008	VOLUME 1	COMMENTS ON AUTO INDUSTRY PROPOSALS
PN172-88-06-21-062	VOLUME 2	TRANSMITTAL OF AUTOMOBILE TOPCOAT PROTOCOL
PN172-88-12-01-066	VOLUME 2	RACT REQUIREMENTS IN OZONE NONATTAINMENT AREAS
** AVERAGING TIMES		
PN165-87-04-08-018	VOLUME 2	CLARIFICATION OF NEW SOURCE REVIEW POLICY ON AVERAGING TIMES FOR PRODUCTION LIMITATIONS
** BACKGROUND SOURCES		
PN172-89-05-03-074	VOLUME 2	IDENTIFICATION OF NEW AREAS EXCEEDING THE NAAQS
** BACT DETERMINATIONS		
PN165-78-12-22-001	VOLUME 1	BACT INFORMATION FOR COAL-FIRED POWER PLANTS
PN165-86-11-24-016	VOLUME 2	NEED FOR A SHORT-TERM BEST AVAILABLE CONTROL TECHNOLOGY (BACT) ANALYSIS FOR THE PROPOSED WILLIAM A. ZIMMER POWER PLANT
PN165-87-04-22-019	VOLUME 2	HUNTSVILLE INCINERATOR - DETERMINING BEST AVAILABLE CONTROL TECHNOLOGY (BACT)
PN165-87-06-26-020	VOLUME 2	OPERATIONAL GUIDANCE ON CONTROL TECHNOLOGY FOR NEW AND MODIFIED MUNICIPAL WASTE COMBUSTORS(MWCs)
PN165-87-09-22-021	VOLUME 2	IMPLEMENTATION OF NORTH COUNTY RESOURCE RECOVERY PSD REMAND
PN165-87-12-01-022	VOLUME 2	IMPROVING NEW SOURCE REVIEW (NSR) IMPLEMENTATION
PN165-88-07-28-033	VOLUME 2	SUPPLEMENTAL GUIDANCE IN IMPLEMENTING THE NORTH COUNTY PREVENTION OF SIGNIFICANT DETERIORATION (PSD) REMAND
PN172-88-06-21-062	VOLUME 2	TRANSMITTAL OF AUTOMOBILE TOPCOAT PROTOCOL

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** BART GUIDELINES		
PN123-85-10-28-009	VOLUME 1	IMPLEMENTATION OF STACK HEIGHT REGULATIONS - PRESUMPTIVE NSPS EMISSION LIMIT FOR FLUID MODELING STACKS ABOVE FORMULA GEP HEIGHT
PN123-89-04-20-017	VOLUME 2	LETTER TO JOHN PROCTOR FROM G. EMISON
** BENZENE		
PN110-85-08-27-071	VOLUME 1	CLASSIFICATION OF BENZENE AS A VOC
PN112-84-06-01-004	VOLUME 1	BENZENE NESHAP GUIDANCE
** BLOCK AVERAGES		
PN110-83-05-27-064	VOLUME 1	SUMMARY OF NAAQS INTERPRETATION
PN110-86-03-28-073	VOLUME 2	BLOCK AVERAGES IN IMPLEMENTING SO2 NAAQS
** BUBBLE POLICY		
PN110-80-07-31-039	VOLUME 1	APPLICABILITY OF VOC CONTROL TECHNIQUE GUIDELINES (CTGS) TO THE AUTOMOBILE MANUFACTURING INDUSTRY
PN110-80-08-08-041	VOLUME 1	THE BUBBLE POLICY AND STATE IMPLEMENTATION PLANS UNDER CLEAN AIR ACT SECTION 111D
** BUBBLE POLICY - SECTION 111D		
PN110-80-08-08-041	VOLUME 1	THE BUBBLE POLICY AND STATE IMPLEMENTATION PLANS UNDER CLEAN AIR ACT SECTION 111D
** BUILDING DOWNWASH		
PN165-89-03-31-040	VOLUME 2	APPLICATION OF BUILDING DOWNWASH IN PREVENTION OF SIGNIFICANT DETERIORATION (PSD) PERMIT ANALYSES
** BUILDING ROOFTOPS		
PN165-84-06-11-014	VOLUME 1	APPLICABILITY OF PSD INCREMENTS TO BUILDING ROOFTOPS
** CAN COATINGS		
PN172-80-11-20-032	VOLUME 1	COMPLIANCE WITH VOC EMISSION LIMITATIONS FOR CAN COATING OPERATIONS
** CAPTURE EFFICIENCY		
PN172-89-05-25-075	VOLUME 2	CORRECTING CAPTURE EFFICIENCY (CE) REGULATIONS
** CARBON MONOXIDE SIPS		
PN110-78-02-24-002	VOLUME 1	CRITERIA FOR APPROVAL OF 1979 SIP REVISIONS
PN110-82-08-11-060	VOLUME 1	REVIEW OF 1982 OZONE AND CO SIPS
PN110-83-05-27-064	VOLUME 1	SUMMARY OF NAAQS INTERPRETATION
PN172-81-05-21-038	VOLUME 1	1982 OZONE AND CARBON MONOXIDE SIP GUIDANCE INDEX
PN172-81-01-22-039	VOLUME 1	STATE IMPLEMENTATION PLANS-APPROVAL OF 1982 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NEEDING AN ATTAINMENT DATE EXTENSION (FR CITATION)

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN172-82-10-29-041	VOLUME 1	QUESTIONS AND ANSWERS ON 1982 OZONE AND CO SIPS
PN172-88-09-07-064	VOLUME 2	AIR PROGRAMS APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS COMPLIANCE WITH THE STATUTORY PROVISIONS OF PART D AND SECTION 110 OF THE CLEAN AIR ACT (FR CITATION)
PN172-89-01-27-069	VOLUME 2	TRANSMITTAL OF QUESTIONS AND ANSWERS ON EMISSION INVENTORIES FOR POST-1987 OZONE AND CARBON MONOXIDE STATE IMPLEMENTATION PLAN CALL AREAS
** CIVIL ENFORCEMENT COURT ACTIONS		
PN113-78-07-27-005	VOLUME 1	ENFORCEMENT UNDER CLEAN AIR ACT AMENDMENTS - ORDERS UNDER SECTION 113(A) AND 113(D)
PN113-86-01-17-027	VOLUME 2	ISSUES #3(E) AND #5 OF THE VOC ISSUE RESOLUTION PROCESS: ESTABLISHING PROOF OF VOC EMISSIONS VIOLATIONS, AND BUBBLES IN CONSENT DECREES RESOLVING CIVIL ACTIONS UNDER SECTION 113(b) OF THE CLEAN AIR ACT
** CIVIL PENALTIES		
PN112-85-02-08-006	VOLUME 1	REVISIONS TO ASBESTOS DEMOLITION AND RENOVATION CIVIL PENALTY POLICY
PN113-87-03-25-035	VOLUME 2	REVISED CLEAN AIR ACT STATIONARY SOURCE CIVIL PENALTY POLICY
PN113-88-03-02-045	VOLUME 2	REVISIONS TO VOLATILE HAZARDOUS AIR POLLUTANT (VHAP) CIVIL PENALTY POLICY
** COAL CONVERSIONS		
PN113-83-04-26-020	VOLUME 1	PROCEDURES FOR REVIEW AND FEDERAL REGISTER PUBLICATION OF DELAYED COMPLIANCE ORDERS UNDER SECTION 113(D) OF THE CLEAN AIR ACT
** COAL SAMPLING AND ANALYSIS		
PN113-85-10-30-025	VOLUME 1	FINAL TECHNICAL GUIDANCE ON THE REVIEW AND USE OF COAL SAMPLING AND ANALYSIS DATA
** COLD CLEANER DEGREASERS		
PN172-80-07-02-029	VOLUME 1	EXEMPTION FOR COLD CLEANER DEGREASERS
** COMPLIANCE		
PN112-84-06-01-004	VOLUME 1	BENZENE NESHAP GUIDANCE
PN112-84-07-11-005	VOLUME 1	VINYL CHLORIDE NESHAP ENFORCEMENT STRATEGY
PN112-85-02-08-006	VOLUME 1	REVISIONS TO ASBESTOS DEMOLITION AND RENOVATION CIVIL PENALTY POLICY
PN112-86-10-01-009	VOLUME 2	GUIDELINE S-26 - ENFORCEMENT OF THE ARSENIC NESHAP FOR GLASS MANUFACTURING PLANTS
PN112-88-03-31-010	VOLUME 2	REVISED ASBESTOS NESHAP STRATEGY
PN113-83-01-12-018	VOLUME 1	GUIDANCE ON IMPLEMENTATION OF THE 1982 DEADLINE ENFORCEMENT POLICY ISSUED SEPTEMBER 20, 1982
PN113-84-12-20-022	VOLUME 1	POLICY ON NO-ACTION ASSURANCES
PN113-86-04-11-029	VOLUME 2	GUIDANCE ON FEDERALLY-REPORTABLE VIOLATIONS FOR STATIONARY AIR SOURCES
PN113-86-04-22-030	VOLUME 2	TRANSMITTAL OF NATIONAL PROGRAM GUIDANCE - ENFORCEMENT APPLICATIONS OF CONTINUOUS EMISSION MONITORING SYSTEM DATA
PN113-86-08-22-033	VOLUME 2	SAMPLE FEDERAL REGISTER LANGUAGE FOR PROPOSAL AND FINAL DCO'S

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN113-87-01-09-034	VOLUME 2	LETTER TO TOM BISPHRAM ON CDS DATA REPORTING REQUIREMENTS
PN167-83-12-14-001	VOLUME 1	GUIDANCE ON ENFORCEMENT OF PREVENTION OF SIGNIFICANT DETERIORATION REQUIREMENTS UNDER THE CLEAN AIR ACT
PN172-80-11-20-032	VOLUME 1	COMPLIANCE WITH VOC EMISSION LIMITATIONS FOR CAN COATING OPERATIONS
** COMPLIANCE DATA SYSTEM		
PN113-86-04-11-028	VOLUME 2	TIMELY AND APPROPRIATE ENFORCEMENT RESPONSE GUIDANCE
PN113-87-01-09-034	VOLUME 2	LETTER TO TOM BISPHRAM ON CDS DATA REPORTING REQUIREMENTS
** COMPLIANCE DATE EXTENSIONS		
PN110-86-08-07-076	VOLUME 2	POLICY ON SIP REVISIONS REQUESTING COMPLIANCE DATE EXTENSIONS FOR VOC SOURCES
PN113-83-01-12-018	VOLUME 1	GUIDANCE ON IMPLEMENTATION OF THE 1982 DEADLINE ENFORCEMENT POLICY ISSUED SEPTEMBER 20, 1982
** COMPLIANCE MONITORING		
PN110-86-04-11-074	VOLUME 2	RESPONSES TO FIVE VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
PN113-82-08-12-014	VOLUME 1	GUIDANCE CONCERNING EPA'S USE OF CONTINUOUS EMISSION MONITORING DATA
PN113-86-04-22-030	VOLUME 2	TRANSMITTAL OF NATIONAL PROGRAM GUIDANCE - ENFORCEMENT APPLICATIONS OF CONTINUOUS EMISSION MONITORING SYSTEM DATA
PN114-88-03-31-006	VOLUME 2	COMPLIANCE MONITORING STRATEGY FOR FY 89
** COMPLIANCE SCHEDULES		
PN113-83-04-12-019	VOLUME 1	LETTER TO ROBERT R. WAHLER FROM KATHLEEN BENNETT RE ENFORCEMENT POLICY ON INTERIM PARTICULATE CONTROLS
PN113-86-08-07-032	VOLUME 2	POLICY ON THE AVAILABILITY OF LOW-SOLVENT TECHNOLOGY SCHEDULES IN CLEAN AIR ACT ENFORCEMENT ACTIONS
PN172-78-10-06-008	VOLUME 1	COMMENTS ON AUTO INDUSTRY PROPOSALS
** COMPLIANCE TESTING		
PN113-88-03-31-048	VOLUME 2	TRANSMITTAL OF REISSUED OAQPS CEMS POLICY .
** CONDITIONAL APPROVALS		
PN110-78-02-24-002	VOLUME 1	CRITERIA FOR APPROVAL OF 1979 SIP REVISIONS
PN110-79-07-02-017	VOLUME 1	GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - SUPPLEMENT (ON PUBLIC COMMENT AND CONDITIONAL APPROVAL)
** CONFIDENTIALITY AGREEMENTS		
PN114-83-12-15-003	VOLUME 1	EXECUTION OF CONFIDENTIALITY AGREEMENTS UNDER SECTION 114 OF THE CLEAN AIR ACT

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** CONSENT DECREES		
PN113-85-11-27-026	VOLUME 1	REVISED ENFORCEMENT POLICY RESPECTING SOURCES COMPLYING WITH CLEAN AIR ACT REQUIREMENTS BY SHUTDOWN
PN113-87-03-25-035	VOLUME 2	REVISED CLEAN AIR ACT STATIONARY SOURCE CIVIL PENALTY POLICY
PN113-87-11-23-042	VOLUME 2	SETTLING ENFORCEMENT ACTIONS IN CLEAN AIR ACT NONATTAINMENT AREAS AGAINST STATIONARY SOURCES WHICH WILL NOT BE IN COMPLIANCE BY THE APPLICABLE ATTAINMENT DATE
PN113-88-03-02-045	VOLUME 2	REVISIONS TO VOLATILE HAZARDOUS AIR POLLUTANT (VHAP) CIVIL PENALTY POLICY
** CONSTRUCTION BAN		
PN110-80-10-23-044	VOLUME 1	GROWTH RESTRICTIONS IN SECONDARY NAAQS NONATTAINMENT AREAS
PN165-84-01-09-012	VOLUME 1	INTERPRETATION OF THE POLICY ON COMPLIANCE WITH THE PROVISIONS OF PART D
** CONTINUOUS COMPLIANCE		
PN113-84-10-05-021	VOLUME 1	FINAL TECHNICAL GUIDANCE ON THE REVIEW AND USE OF EXCESS EMISSION REPORTS
PN113-86-04-11-029	VOLUME 2	GUIDANCE ON FEDERALLY-REPORTABLE VIOLATIONS FOR STATIONARY AIR SOURCES
PN113-88-07-05-051	VOLUME 2	TRANSMITTAL OF SO2 CONTINUOUS COMPLIANCE STRATEGY
** CONTINUOUS EMISSION MONITORING		
PN110-80-05-09-034A	VOLUME 1	CLARIFICATION OF REQUIREMENTS FOR INCLUSION OF CONTINUOUS EMISSION MONITORING PROVISIONS IN STATE IMPLEMENTATION PLANS
PN113-82-08-12-014	VOLUME 1	GUIDANCE CONCERNING EPA'S USE OF CONTINUOUS EMISSION MONITORING DATA
PN113-84-10-05-021	VOLUME 1	FINAL TECHNICAL GUIDANCE ON THE REVIEW AND USE OF EXCESS EMISSION REPORTS
PN113-86-04-22-030	VOLUME 2	TRANSMITTAL OF NATIONAL PROGRAM GUIDANCE - ENFORCEMENT APPLICATIONS OF CONTINUOUS EMISSION MONITORING SYSTEM DATA
PN113-88-03-31-048	VOLUME 2	TRANSMITTAL OF REISSUED OAQPS CEMS POLICY
** CONTRACTOR LISTING PROGRAM		
PN113-87-10-08-044	VOLUME 2	POLICY ON CORRECTING THE CONDITION GIVING RISE TO LISTING UNDER THE CONTRACTOR LISTING PROGRAM
PN113-88-03-11-046	VOLUME 2	LISTING ASBESTOS DEMOLITION AND RENOVATION COMPANIES PURSUANT TO SECTION 306 OF THE CLEAN AIR ACT
PN113-88-06-30-050	VOLUME 2	ASBESTOS CONTRACTOR LISTING
** CONTROL STRATEGY		
PN107-83-04-21-008	VOLUME 1	SECTION 107 DESIGNATION POLICY SUMMARY
PN110-78-02-24-002	VOLUME 1	CRITERIA FOR APPROVAL OF 1979 SIP REVISIONS
PN110-80-07-31-039	VOLUME 1	APPLICABILITY OF VOC CONTROL TECHNIQUE GUIDELINES (CTGS) TO THE AUTOMOBILE MANUFACTURING INDUSTRY
** COST EFFECTIVENESS		
PN172-80-12-02-034	VOLUME 1	COST EFFECTIVENESS FOR RACT APPLICATION TO LEAKS FROM PETROLEUM REFINERY EQUIPMENT

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** CROSS LINE AVERAGING		
PN172-89-04-07-073	VOLUME 2	BASELINE FOR CROSS-LINE AVERAGING
** CTGS		
PN110-79-09-17-020	VOLUME 1	GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - (SUPPLEMENT ON CONTROL TECHNIQUES GUIDELINES) (FR CITATION)
PN110-80-07-31-039	VOLUME 1	APPLICABILITY OF VOC CONTROL TECHNIQUE GUIDELINES (CTGS) TO THE AUTOMOBILE MANUFACTURING INDUSTRY
PN110-80-08-04-040	VOLUME 1	APPLICABILITY OF PAPER COATING, FABRIC COATING, AND GRAPHIC ARTS CTGS
PN172-78-08-04-004	VOLUME 1	REQUIREMENT FOR VOC RACT REGULATIONS IN ALL OXIDANT NONATTAINMENT AREAS
PN172-78-10-06-008	VOLUME 1	COMMENTS ON AUTO INDUSTRY PROPOSALS
PN172-79-06-20-018	VOLUME 1	MODIFICATIONS TO RECOMMENDATIONS FOR SOLVENT METAL CLEANING
PN172-79-08-21-019	VOLUME 1	STATE IMPLEMENTATION PLANS: GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - SUPPLEMENT (ON REVISED SCHEDULES FOR SUBMISSION OF VOLATILE ORGANIC CHEMICAL RACT REGULATIONS)
PN172-79-08-22-020	VOLUME 1	STATE IMPLEMENTATION PLANS/REVISED SCHEDULES FOR SUBMITTING RACT REGULATIONS FOR STATIONARY SOURCES OF VOLATILE ORGANIC COMPOUNDS(VOC)
PN172-80-06-16-027	VOLUME 1	GASOLINE TANK TRUCK REGULATIONS
PN172-80-07-02-029	VOLUME 1	EXEMPTION FOR COLD CLEANER DEGREASERS
PN172-80-09-03-030	VOLUME 1	MISCELLANEOUS METAL PARTS AND PRODUCTS CTG - EMISSION LIMITS FOR COATING OF SHIPPING PAILS AND DRUMS
PN172-80-12-02-034	VOLUME 1	COST EFFECTIVENESS FOR RACT APPLICATION TO LEAKS FROM PETROLEUM REFINERY EQUIPMENT
PN172-80-12-02-035	VOLUME 1	RACT FOR SPECIALTY PRINTING OPERATIONS
PN172-84-06-25-046	VOLUME 1	APPLICABILITY OF GROUP III CONTROL TECHNIQUES GUIDELINES (CTG'S)
PN172-84-06-25-047	VOLUME 1	CONFIRMATION OF DEFINITION OF "100 TON-PER-YEAR (100 TPY) SOURCE"
PN172-84-09-14-048	VOLUME 1	VOLATILE ORGANIC COMPOUND (VOC) TEST METHODS OR PROCEDURES FOR SOURCE CATEGORIES IN GROUPS I, II, AND III CONTROL TECHNIQUES GUIDELINES (CTGS)
PN172-84-12-21-049	VOLUME 1	CONNECTICUT VOLATILE ORGANIC COMPOUND (VOC) ISSUES
PN172-85-07-02-051	VOLUME 1	RESIDUAL VOLATILE ORGANIC COMPOUND (VOC) CONTAINED IN COATING LINE PRODUCTS
PN172-86-02-28-052	VOLUME 2	RESPONSES TO FOUR VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
PN172-87-06-25-054	VOLUME 2	EMISSION CUT-OFF FOR CONTROL TECHNIQUES GUIDELINES VOLATILE ORGANIC COMPOUND SOURCES
PN172-86-01-09-057	VOLUME 2	CLARIFICATION OF CTG RACT RECOMMENDATIONS FOR HIGH-DENSITY POLYETHYLENE, POLYPROPYLENE, AND POLYSTYRENE
PN172-88-08-23-063	VOLUME 2	LETTER TO WILLIAM JURIS ON VOC EMISSION CUTOFF
** CUTBACK ASPHALT		
PN172-79-03-06-014	VOLUME 1	CUTBACK ASPHALT VOC REGULATIONS
PN172-79-10-04-021	VOLUME 1	CLARIFICATION FOR FINAL SIP ACTIONS ON ASPHALT REGULATIONS

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN172-86-09-29-058	VOLUME 2	SEASONAL VOC CONTROLS
** DEGREASER REGULATIONS		
PN172-78-08-24-006	VOLUME 1	CLARIFICATION OF EPA POLICY ON EMISSIONS FOR METHYL CHLOROFORM
PN172-79-12-12-023	VOLUME 1	EXEMPTIONS FOR DEGREASERS
PN172-80-07-02-029	VOLUME 1	EXEMPTION FOR COLD CLEANER DEGREASERS
PN172-84-06-25-047	VOLUME 1	CONFIRMATION OF DEFINITION OF "100 TON-PER-YEAR (100 TPY) SOURCE"
** DELAYED COMPLIANCE ORDERS		
PN113-78-07-27-005	VOLUME 1	ENFORCEMENT UNDER CLEAN AIR ACT AMENDMENTS - ORDERS UNDER SECTION 113(A) AND 113(D)
PN113-80-05-27-007	VOLUME 1	DELAYED COMPLIANCE ORDERS REQUIRING SIP COMPLIANCE THROUGH TEMPORARY CONTROL MEASURES - AMENDED GUIDANCE
PN113-83-01-12-018	VOLUME 1	GUIDANCE ON IMPLEMENTATION OF THE 1982 DEADLINE ENFORCEMENT POLICY ISSUED SEPTEMBER 20, 1982
PN113-83-04-26-020	VOLUME 1	PROCEDURES FOR REVIEW AND FEDERAL REGISTER PUBLICATION OF DELAYED COMPLIANCE ORDERS UNDER SECTION 113(D) OF THE CLEAN AIR ACT
PN113-86-06-02-031	VOLUME 2	113(d)(4) LETTER TO CAN MANUFACTURERS INSTITUTE
PN113-86-08-22-033	VOLUME 2	SAMPLE FEDERAL REGISTER LANGUAGE FOR PROPOSAL AND FINAL DCO'S
PN172-89-03-16-071	VOLUME 2	COMPLIANCE SCHEDULES FOR VOLATILE ORGANIC COMPOUNDS (VOC's)
** DELEGATION OF AUTHORITY		
PN111E-86-09-11-004	VOLUME 2	DELEGATION OF NEW SOURCE PERFORMANCE STANDARDS (NSPS) AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) AUTHORITY TO STATE/LOCAL AGENCIES
PN112-82-03-24-002	VOLUME 1	DELEGATION OF AUTHORITY TO STATES: NESHAPS
PN165-85-05-09-015	VOLUME 1	IMPROVED NEW SOURCE REVIEW/PREVENTION OF SIGNIFICANT DETERIORATION (NSR/PSD) PROGRAM TRANSFER
PN165-89-02-15-037	VOLUME 2	GUIDANCE ON EARLY DELEGATION OF AUTHORITY FOR THE NITROGEN DIOXIDE (NO2) INCREMENTS PROGRAM
** DEPARTMENT OF DEFENSE FACILITIES		
PN113-85-04-24-023	VOLUME 1	ACHIEVING VOC COMPLIANCE FROM DEPARTMENT OF DEFENSE CONTRACTOR FACILITIES
** DESIGNATION CRITERIA		
PN107-82-09-16-007	VOLUME 1	MILWAUKEE SO2 NONATTAINMENT DESIGNATION
PN107-83-04-21-008	VOLUME 1	SECTION 107 DESIGNATION POLICY SUMMARY
PN107-85-04-08-009	VOLUME 1	LETTER TO JUDGE TERRY ROBERTS FROM GERALD A. EMISON
** DIRECT FINAL SIP PROCESSING		
PN110-87-12-23-092	VOLUME 2	EXPANDED USE OF DIRECT FINAL SIP PROCESSING
** DISPERSION MODELING		
PN107-82-09-16-007	VOLUME 1	MILWAUKEE SO2 NONATTAINMENT DESIGNATION

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN107-83-04-21-008	VOLUME 1	SECTION 107 DESIGNATION POLICY SUMMARY
PN110-84-11-28-069	VOLUME 1	CORRECTING ATMOSPHERIC DISPERSION MODEL RESULTS TO STANDARD TEMPERATURE AND PRESSURE
PN123-86-02-11-012	VOLUME 2	CLARIFICATION OF EXISTING GUIDANCE ON DISPERSION MODELING REQUIREMENTS FOR PLANTS WITH "TALL STACKS" AND OTHER PROHIBITED DISPERSION TECHNIQUES
** DISPERSION TECHNIQUES		
PN123-85-10-28-008	VOLUME 1	IMPLEMENTATION OF STACK HEIGHT REGULATIONS - EXCEPTIONS FROM RESTRICTIONS ON CREDIT FOR MERGED STACKS
PN123-86-02-11-011	VOLUME 2	PRIORITY FOR REVIEW OF PARTICULATE MATTER SOURCES FOR COMPLIANCE WITH REVISED STACK HEIGHT REGULATIONS
PN123-88-05-17-016	VOLUME 2	APPLICATION OF THE INTERIM POLICY FOR STACK HEIGHT REGULATORY ACTIONS
** DRUM AND PAIL COATINGS		
PN172-80-09-03-030	VOLUME 1	MISCELLANEOUS METAL PARTS AND PRODUCTS CTG - EMISSION LIMITS FOR COATING OF SHIPPING PAILS AND DRUMS
** DUAL DEFINITION		
PN165-84-01-09-012	VOLUME 1	INTERPRETATION OF THE POLICY ON COMPLIANCE WITH THE PROVISIONS OF PART D
** ECONOMIC FEASIBILITY		
PN110-86-04-11-074	VOLUME 2	RESPONSES TO FIVE VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
PN110-87-01-20-080	VOLUME 2	DETERMINATION OF ECONOMIC FEASIBILITY
** EKMA		
PN172-78-10-26-009	VOLUME 1	OZONE TRANSPORT VALUES FOR SIP REVISIONS
PN172-81-01-22-039	VOLUME 1	STATE IMPLEMENTATION PLANS-APPROVAL OF 1982 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NEEDING AN ATTAINMENT DATE EXTENSION (FR CITATION)
** EMISSION INVENTORIES		
PN172-79-03-06-014	VOLUME 1	CUTBACK ASPHALT VOC REGULATIONS
PN172-80-12-02-034	VOLUME 1	COST EFFECTIVENESS FOR RACT APPLICATION TO LEAKS FROM PETROLEUM REFINERY EQUIPMENT
PN172-81-05-21-038	VOLUME 1	1982 OZONE AND CARBON MONOXIDE SIP GUIDANCE INDEX
PN172-81-01-22-039	VOLUME 1	STATE IMPLEMENTATION PLANS-APPROVAL OF 1982 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NEEDING AN ATTAINMENT DATE EXTENSION (FR CITATION)
PN172-89-01-27-069	VOLUME 2	TRANSMITTAL OF QUESTIONS AND ANSWERS ON EMISSION INVENTORIES FOR POST-1987 OZONE AND CARBON MONOXIDE STATE IMPLEMENTATION PLAN CALL AREAS
** EMISSION OFFSETS		
PN110-80-03-10-030	VOLUME 1	EMISSION OFFSET REQUIREMENTS IN SECONDARY STANDARD TOTAL SUSPENDED PARTICULATE PLANS
PN110-80-10-23-044	VOLUME 1	GROWTH RESTRICTIONS IN SECONDARY NAAQS NONATTAINMENT AREAS

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN165-85-05-09-015	VOLUME 1	IMPROVED NEW SOURCE REVIEW/PREVENTION OF SIGNIFICANT DETERIORATION (NSR/PSD) PROGRAM TRANSFER
PN172-79-05-25-016	VOLUME 1	SUBMISSION OF STATE AIR PERMITS AS SIP REVISIONS
** EMISSION TIME AVERAGING		
PN172-84-01-20-045	VOLUME 1	AVERAGING TIMES FOR COMPLIANCE WITH VOC EMISSION LIMITS - SIP REVISION POLICY
** EMISSIONS BALANCING		
PN123-88-01-07-015	VOLUME 2	STACK HEIGHT EMISSIONS BALANCING - FINAL POLICY STATEMENT (FR CITATION)
** EMISSIONS TRADING		
PN110-82-11-24-061	VOLUME 1	SIP ACTIONS AND TOXIC POLLUTANTS
PN110-85-01-02-070	VOLUME 1	REGIONAL IMPLEMENTATION OF MODELING GUIDANCE
PN110-86-12-04-077	VOLUME 2	EMISSIONS TRADING POLICY STATEMENT (CITATION)
PN113-86-01-17-027	VOLUME 2	ISSUES #3(E) AND #5 OF THE VOC ISSUE RESOLUTION PROCESS: ESTABLISHING PROOF OF VOC EMISSIONS VIOLATIONS, AND BUBBLES IN CONSENT DECREES RESOLVING CIVIL ACTIONS UNDER SECTION 113(b) OF THE CLEAN AIR ACT
PN165-84-01-20-013	VOLUME 1	PSD INCREMENT CONSUMPTION CALCULATIONS
PN172-84-01-20-045	VOLUME 1	AVERAGING TIMES FOR COMPLIANCE WITH VOC EMISSION LIMITS - SIP REVISION POLICY
PN172-89-04-07-073	VOLUME 2	BASELINE FOR CROSS-LINE AVERAGING
** EMULSIFIED ASPHALT		
PN172-79-03-06-014	VOLUME 1	CUTBACK ASPHALT VOC REGULATIONS
** ENERGY CONSERVATION		
PN175-80-04-23-006	VOLUME 1	IMPLEMENTATION OF EXECUTIVE ORDER 12185, CONSERVATION OF PETROLEUM AND NATURAL GAS
** ENERGY EMERGENCIES		
PN110-80-01-10-023A	VOLUME 1	ALTERNATE PROCEDURE FOR SECTION 110(F) RELIEF IN LOCALIZED, SHORT TERM ENERGY EMERGENCIES
** ENFORCEMENT ACTIONS		
PN113-87-03-25-035	VOLUME 2	REVISED CLEAN AIR ACT STATIONARY SOURCE CIVIL PENALTY POLICY
PN113-87-06-25-037	VOLUME 2	PROPER AND TIMELY REVIEW OF STATE IMPLEMENTATION PLAN (SIP) REVISIONS
PN113-87-11-23-042	VOLUME 2	SETTLING ENFORCEMENT ACTIONS IN CLEAN AIR ACT NONATTAINMENT AREAS AGAINST STATIONARY SOURCES WHICH WILL NOT BE IN COMPLIANCE BY THE APPLICABLE ATTAINMENT DATE
PN113-88-03-02-045	VOLUME 2	REVISIONS TO VOLATILE HAZARDOUS AIR POLLUTANT (VHAP) CIVIL PENALTY POLICY
PN113-88-03-31-048	VOLUME 2	TRANSMITTAL OF REISSUED OAQPS CEMS POLICY

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** EPISODE MONITORING		
PN110-83-05-27-064	VOLUME 1	SUMMARY OF NAAQS INTERPRETATION
** EXCESS EMISSIONS		
PN113-83-02-15-017	VOLUME 1	POLICY ON EXCESS EMISSIONS DURING STARTUP, SHUTDOWN, MAINTENANCE, AND MALFUNCTIONS
PN113-84-10-05-021	VOLUME 1	FINAL TECHNICAL GUIDANCE ON THE REVIEW AND USE OF EXCESS EMISSION REPORTS
** EXPECTED EXCEEDANCE		
PN110-88-06-17-094	VOLUME 2	DEMONSTRATION OF "REPRESENTATIVE EMISSION CONDITIONS" FOR USE IN "EXPECTED EXCEEDANCE" DETERMINATIONS
** FABRIC COATING		
PN110-80-08-04-040	VOLUME 1	APPLICABILITY OF PAPER COATING, FABRIC COATING, AND GRAPHIC ARTS CTGS
PN172-80-12-02-035	VOLUME 1	RACT FOR SPECIALTY PRINTING OPERATIONS
** FEDERAL ENFORCEMENT		
PN112-84-06-01-004	VOLUME 1	BENZENE NESHAP GUIDANCE
PN112-84-07-11-005	VOLUME 1	VINYL CHLORIDE NESHAP ENFORCEMENT STRATEGY
PN112-85-02-08-006	VOLUME 1	REVISIONS TO ASBESTOS DEMOLITION AND RENOVATION CIVIL PENALTY POLICY
PN112-86-10-01-009	VOLUME 2	GUIDELINE S-26 - ENFORCEMENT OF THE ARSENIC NESHAP FOR GLASS MANUFACTURING PLANTS
PN112-88-03-31-010	VOLUME 2	REVISED ASBESTOS NESHAP STRATEGY
PN113-85-04-24-023	VOLUME 1	ACHIEVING VOC COMPLIANCE FROM DEPARTMENT OF DEFENSE CONTRACTOR FACILITIES
PN113-86-04-22-030	VOLUME 2	TRANSMITTAL OF NATIONAL PROGRAM GUIDANCE - ENFORCEMENT APPLICATIONS OF CONTINUOUS EMISSION MONITORING SYSTEM DATA
PN113-87-03-25-035	VOLUME 2	REVISED CLEAN AIR ACT STATIONARY SOURCE CIVIL PENALTY POLICY
PN113-87-07-06-038	VOLUME 2	SMALL VOC SOURCE COMPLIANCE STRATEGY - FINAL
PN113-87-09-11-040	VOLUME 2	REPORTING REQUIREMENTS AND SUPPLEMENTAL GUIDANCE: SMALL VOC SOURCE COMPLIANCE STRATEGY
PN113-87-09-23-041	VOLUME 2	REVIEW OF STATE IMPLEMENTATION PLANS AND REVISIONS FOR ENFORCEABILITY AND LEGAL SUFFICIENCY
PN113-87-11-23-042	VOLUME 2	SETTLING ENFORCEMENT ACTIONS IN CLEAN AIR ACT NONATTAINMENT AREAS AGAINST STATIONARY SOURCES WHICH WILL NOT BE IN COMPLIANCE BY THE APPLICABLE ATTAINMENT DATE
PN113-87-12-31-043	VOLUME 2	GUIDANCE ON EVALUATING CLEAN AIR ACT ENFORCEMENT OF STATE IMPLEMENTATION PLAN VIOLATIONS INVOLVING PROPOSED STATE REVISIONS
PN113-88-03-02-045	VOLUME 2	REVISIONS TO VOLATILE HAZARDOUS AIR POLLUTANT (VHAP) CIVIL PENALTY POLICY
PN113-88-03-31-049	VOLUME 2	IMPLEMENTATION OF RULE EFFECTIVENESS STUDIES
PN165-87-04-08-018	VOLUME 2	CLARIFICATION OF NEW SOURCE REVIEW POLICY ON AVERAGING TIMES FOR PRODUCTION LIMITATIONS
PN167-83-12-14-001	VOLUME 1	GUIDANCE ON ENFORCEMENT OF PREVENTION OF SIGNIFICANT DETERIORATION REQUIREMENTS UNDER THE CLEAN AIR ACT
PN167-88-03-29-002	VOLUME 2	OPINION IN U.S. V. LOUISIANA-PACIFIC CORPORATION

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** FEDERAL LAND MANAGER		
PN169A-85-03-25-001	VOLUME 1	VISIBILITY MONITORING STRATEGY REQUIREMENTS
** FEDERALLY-REPORTABLE VIOLATIONS		
PN113-86-04-11-029	VOLUME 2	GUIDANCE ON FEDERALLY-REPORTABLE VIOLATIONS FOR STATIONARY AIR SOURCES
** FLARES		
PN172-80-12-02-035	VOLUME 1	RACT FOR SPECIALTY PRINTING OPERATIONS
** FLOATING ROOF TANKS		
PN172-81-02-06-036	VOLUME 1	STORAGE TANK VAPOR BALANCE REQUIREMENTS AT SYNTHESIZED PHARMACEUTICAL PRODUCTS MANUFACTURE FACILITIES
** FLUE GAS CONDITIONS		
PN113-80-03-11-006	VOLUME 1	INTERIM PARTICULATE CONTROLS
PN113-83-04-12-019	VOLUME 1	LETTER TO ROBERT R. WAHLER FROM KATHLEEN BENNETT RE ENFORCEMENT POLICY ON INTERIM PARTICULATE CONTROLS
** FLUID MODELING		
PN123-85-09-19-006	VOLUME 1	GUIDANCE ON FLUID MODEL DEMONSTRATIONS FOR DETERMINING GEP STACK HEIGHT IN COMPLEX TERRAIN
PN123-85-10-28-009	VOLUME 1	IMPLEMENTATION OF STACK HEIGHT REGULATIONS - PRESUMPTIVE NSPS EMISSION LIMIT FOR FLUID MODELING STACKS ABOVE FORMULA GEP HEIGHT
PN123-85-10-28-010	VOLUME 1	DETERMINING STACK HEIGHTS "IN EXISTENCE" BEFORE DECEMBER 31, 1970
** FUEL SHORTAGES ANALYSIS		
PN124-78-07-31-001	VOLUME 1	IMPLEMENTING SECTION 124 OF THE CLEAN AIR ACT
** FUGITIVE DUST		
PN110-78-02-24-002	VOLUME 1	CRITERIA FOR APPROVAL OF 1979 SIP REVISIONS
PN110-80-03-10-030	VOLUME 1	EMISSION OFFSET REQUIREMENTS IN SECONDARY STANDARD TOTAL SUSPENDED PARTICULATE PLANS
** FUGITIVE EMISSIONS		
PN113-82-05-04-013	VOLUME 1	GUIDANCE ON POLICY FOR ENFORCEMENT OF VE VIOLATIONS AGAINST SOURCES WHICH ARE MEETING AN APPLICABLE MASS EMISSION STANDARD
** GASOLINE STORAGE		
PN172-84-06-25-047	VOLUME 1	CONFIRMATION OF DEFINITION OF "100 TON-PER-YEAR (100 TPY) SOURCE"
** GASOLINE TANK TRUCKS		
PN172-80-06-16-027	VOLUME 1	GASOLINE TANK TRUCK REGULATIONS

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** GEP STACK HEIGHT		
PN123-85-10-28-009	VOLUME 1	IMPLEMENTATION OF STACK HEIGHT REGULATIONS - PRESUMPTIVE NSPS EMISSION LIMIT FOR FLUID MODELING STACKS ABOVE FORMULA GEP HEIGHT
** GLASS MANUFACTURING		
PN112-86-10-01-009	VOLUME 2	GUIDELINE S-26 - ENFORCEMENT OF THE ARSENIC NESHAP FOR GLASS MANUFACTURING PLANTS
** GRAPHIC ARTS		
PN110-80-08-04-040	VOLUME 1	APPLICABILITY OF PAPER COATING, FABRIC COATING, AND GRAPHIC ARTS CTGS
PN172-80-12-02-035	VOLUME 1	RACT FOR SPECIALTY PRINTING OPERATIONS
PN172-84-06-25-047	VOLUME 1	CONFIRMATION OF DEFINITION OF "100 TON-PER-YEAR (100 TPY) SOURCE"
PN172-87-09-09-055	VOLUME 2	ALTERNATIVE COMPLIANCE FOR GRAPHIC ARTS RACT
** HAZARDOUS AIR POLLUTANTS		
PN110-82-11-24-061	VOLUME 1	SIP ACTIONS AND TOXIC POLLUTANTS
PN113-88-03-02-045	VOLUME 2	REVISIONS TO VOLATILE HAZARDOUS AIR POLLUTANT (VHAP) CIVIL PENALTY POLICY
** INCORPORATION BY REFERENCE		
PN110-80-09-25-043	VOLUME 1	INCORPORATION BY REFERENCE OF SIP REVISIONS
** INDUSTRIAL BOILERS		
PN113-80-03-11-006	VOLUME 1	INTERIM PARTICULATE CONTROLS
** INDUSTRIAL COATINGS		
PN172-85-04-25-050	VOLUME 1	CONSIDERATION OF ORGANISOLS IN VOLATILE ORGANIC COMPOUNDS (VOC) COMPLIANCE CALCULATIONS
** INSPECTION FREQUENCY		
PN114-88-03-31-006	VOLUME 2	COMPLIANCE MONITORING STRATEGY FOR FY 89
** INSPECTION/MAINTENANCE		
PN110-78-02-24-002	VOLUME 1	CRITERIA FOR APPROVAL OF 1979 SIP REVISIONS
PN110-78-07-17-007	VOLUME 1	INSPECTION/MAINTENANCE POLICY
PN110-82-08-11-060	VOLUME 1	REVIEW OF 1982 OZONE AND CO SIPS
PN172-81-05-21-038	VOLUME 1	1982 OZONE AND CARBON MONOXIDE SIP GUIDANCE INDEX
PN172-81-01-22-039	VOLUME 1	STATE IMPLEMENTATION PLANS-APPROVAL OF 1982 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NEEDING AN ATTAINMENT DATE EXTENSION (FR CITATION)
** INSPECTIONS AND ENTRY		
PN114-77-12-02-001A	VOLUME 1	GUIDANCE FOR SECTION 114(D) OF THE CAA
PN114-84-09-06-004	VOLUME 1	FINAL GUIDANCE ON USE OF UNANNOUNCED INSPECTIONS

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** INTERGOVERNMENTAL CONSULTATION		
PN110-79-06-18-066	VOLUME 1	REQUIREMENTS FOR PREPARATION, ADOPTION AND SUBMITTAL OF IMPLEMENTATION PLANS: INTERGOVERNMENTAL CONSULTATION (FR CITATION)
** INTERIM CONTROL POLICY		
PN113-88-03-31-047	VOLUME 2	TRANSMITTAL OF OAQPS INTERIM CONTROL POLICY STATEMENT
** INTERIM STACK HEIGHT POLICY		
PN123-88-05-17-016	VOLUME 2	APPLICATION OF THE INTERIM POLICY FOR STACK HEIGHT REGULATORY ACTIONS
** INTERNATIONAL POLLUTION		
PN115-78-01-31-001	VOLUME 1	ACCOUNTING FOR POLLUTION ACROSS INTERNATIONAL BOUNDARIES
PN115-78-03-20-002	VOLUME 1	INTERNATIONAL POLLUTION (EL PASO/JUAREZ)
** INTERSTATE AIR POLLUTION		
PN126-78-03-16-001	VOLUME 1	OUT OF STATE SOURCES EFFECT ON IMPLEMENTATION PLAN REVISION
PN126-89-01-11-005	VOLUME 2	LETTER TO THOMAS JORLING REGARDING INTERSTATE AIR POLLUTION CRITERIA
** LAER DETERMINATIONS		
PN165-87-06-26-020	VOLUME 2	OPERATIONAL GUIDANCE ON CONTROL TECHNOLOGY FOR NEW AND MODIFIED MUNICIPAL WASTE COMBUSTORS(MWCs)
PN165-87-12-01-022	VOLUME 2	IMPROVING NEW SOURCE REVIEW (NSR) IMPLEMENTATION
PN165-88-04-25-030	VOLUME 2	LAER EMISSION LIMITS FOR AUTOMOBILE AND LIGHT-DUTY TRUCK TOPCOAT OPERATIONS
PN165-88-08-29-034	VOLUME 2	TRANSFER OF TECHNOLOGY IN DETERMINING LOWEST ACHIEVABLE EMISSION RATE (LAER)
PN165-89-02-28-038	VOLUME 2	GUIDANCE ON DETERMINING LOWEST ACHIEVABLE EMISSION RATE (LAER)
PN172-88-06-21-062	VOLUME 2	TRANSMITTAL OF AUTOMOBILE TOPCOAT PROTOCOL
** LANDFILLS		
PN165-87-10-06-029	VOLUME 2	EMISSIONS FROM LANDFILLS
** LEAD MONITORING		
PN110-79-11-21-023	VOLUME 1	MINIMUM NUMBER OF SAMPLES FOR DETERMINING QUARTERLY AVERAGE LEAD CONCENTRATION
** LEAD SIPS		
PN110-79-06-14-016	VOLUME 1	LEAD SIPS
PN110-80-04-08-032	VOLUME 1	NEW SOURCE REVIEW REQUIREMENTS FOR LEAD
PN110-83-05-26-068	VOLUME 1	DEFINITION OF AMBIENT AIR FOR LEAD
PN110-83-03-14-087	VOLUME 1	ISSUES ON LEAD SIPS
** LETTER NOTICE		
PN110-89-01-30-102	VOLUME 2	PROCEDURES FOR LETTER NOTICE APPROVAL OF MINOR SIP ACTIONS

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** LOW SOLVENT COATINGS		
PN113-86-08-07-032	VOLUME 2	POLICY ON THE AVAILABILITY OF LOW-SOLVENT TECHNOLOGY SCHEDULES IN CLEAN AIR ACT ENFORCEMENT ACTIONS
PN172-80-11-20-032	VOLUME 1	COMPLIANCE WITH VOC EMISSION LIMITATIONS FOR CAN COATING OPERATIONS
** MARINE VESSELS		
PN172-89-02-15-070	VOLUME 2	MARINE VESSEL VAPOR CONTROL
** MERGED STACKS		
PN123-85-10-28-008	VOLUME 1	IMPLEMENTATION OF STACK HEIGHT REGULATIONS - EXCEPTIONS FROM RESTRICTIONS ON CREDIT FOR MERGED STACKS
PN123-85-10-28-010	VOLUME 1	DETERMINING STACK HEIGHTS "IN EXISTENCE" BEFORE DECEMBER 31, 1970
** METAL CAN MANUFACTURING		
PN113-86-06-02-031	VOLUME 2	113(d)(4) LETTER TO CAN MANUFACTURERS INSTITUTE
** METAL PARTS COATINGS		
PN172-80-09-03-030	VOLUME 1	MISCELLANEOUS METAL PARTS AND PRODUCTS CTG - EMISSION LIMITS FOR COATING OF SHIPPING PAILS AND DRUMS
PN172-89-04-03-072	VOLUME 2	APPLICABILITY OF MISCELLANEOUS METAL PARTS AND PRODUCTS COATINGS REGULATIONS TO ADHESIVES, SEALANTS AND FILLERS
PN172-89-04-07-073	VOLUME 2	BASELINE FOR CROSS-LINE AVERAGING
** METEOROLOGICAL PARAMETERS		
PN107-85-04-08-009	VOLUME 1	LETTER TO JUDGE TERRY ROBERTS FROM GERALD A. EMISON
** METHYL CHLOROFORM		
PN172-78-08-24-006	VOLUME 1	CLARIFICATION OF EPA POLICY ON EMISSIONS FOR METHYL CHLOROFORM
PN172-79-05-25-017	VOLUME 1	CLARIFICATION OF AGENCY POLICY CONCERNING OZONE SIP REVISIONS AND SOLVENT REACTIVITIES
** METHYLENE CHLORIDE		
PN172-79-05-25-017	VOLUME 1	CLARIFICATION OF AGENCY POLICY CONCERNING OZONE SIP REVISIONS AND SOLVENT REACTIVITIES
** MODIFIED SOURCE		
PN165-86-07-07-024	VOLUME 2	PREVENTION OF SIGNIFICANT DETERIORATION (PSD) DEFINITION OF "MODIFICATION"
PN165-86-10-21-025	VOLUME 2	APPLICABILITY OF PSD TO PORTIONS OF A PLANT CONSTRUCTED IN PHASES WITHOUT PERMITS
PN165-86-12-01-026	VOLUME 2	NEED FOR EMISSION CAP ON COMPLEX NETTING SOURCES
PN165-89-04-10-041	VOLUME 2	PREVENTION OF SIGNIFICANT DETERIORATION (PSD) APPLICABILITY TO SULFUR DIOXIDE (SO2) EMISSIONS FROM INCINERATION OF TOTAL REDUCED SULFUR (TRS) COMPOUNDS

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** MUNICIPAL WASTE INCINERATION		
PN165-87-04-22-019	VOLUME 2	HUNTSVILLE INCINERATOR - DETERMINING BEST AVAILABLE CONTROL TECHNOLOGY (BACT)
PN165-87-06-26-020	VOLUME 2	OPERATIONAL GUIDANCE ON CONTROL TECHNOLOGY FOR NEW AND MODIFIED MUNICIPAL WASTE COMBUSTORS(MWCs)
PN165-88-06-07-031	VOLUME 2	RESPONSE TO REQUEST FOR PREVENTION OF SIGNIFICANT DETERIORATION (PSD) APPLICABILITY DETERMINATION
** MUNICIPAL WASTEWATER TREATMENT WORKS		
PN172-80-08-11-043	VOLUME 1	MUNICIPAL WASTEWATER TREATMENT WORKS: CONSTRUCTION GRANTS LIMITATION PROVIDED BY SECTION 316 OF THE CLEAN AIR ACT: POLICY AND PROCEDURES (FR CITATION)
** NESHAP		
PN111E-86-09-11-004	VOLUME 2	DELEGATION OF NEW SOURCE PERFORMANCE STANDARDS (NSPS) AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) AUTHORITY TO STATE/LOCAL AGENCIES
PN112-78-03-30-001	VOLUME 1	STATE ENFORCEMENT OF ASBESTOS DEMOLITION REGULATIONS IN LIGHT OF ADAMO WRECKING COMPANY V. UNITED STATES
PN112-82-03-24-002	VOLUME 1	DELEGATION OF AUTHORITY TO STATES: NESHAPS
PN112-84-06-01-004	VOLUME 1	BENZENE NESHAP GUIDANCE
PN112-84-07-11-005	VOLUME 1	VINYL CHLORIDE NESHAP ENFORCEMENT STRATEGY
PN112-85-02-08-006	VOLUME 1	REVISIONS TO ASBESTOS DEMOLITION AND RENOVATION CIVIL PENALTY POLICY
PN112-86-10-01-009	VOLUME 2	GUIDELINE S-26 - ENFORCEMENT OF THE ARSENIC NESHAP FOR GLASS MANUFACTURING PLANTS
PN112-88-03-31-010	VOLUME 2	REVISED ASBESTOS NESHAP STRATEGY
PN113-85-11-27-026	VOLUME 1	REVISED ENFORCEMENT POLICY RESPECTING SOURCES COMPLYING WITH CLEAN AIR ACT REQUIREMENTS BY SHUTDOWN
PN113-86-04-11-028	VOLUME 2	TIMELY AND APPROPRIATE ENFORCEMENT RESPONSE GUIDANCE
PN114-81-05-13-002	VOLUME 1	REGIONAL OFFICE CRITERIA FOR NEUTRAL INSPECTIONS OF STATIONARY SOURCES - AMENDED GUIDANCE
PN114-84-09-06-004	VOLUME 1	FINAL GUIDANCE ON USE OF UNANNOUNCED INSPECTIONS
PN120-80-09-12-001	VOLUME 1	PRIORITIES FOR ISSUING NOTICES OF NONCOMPLIANCE
** NEW SOURCE REVIEW		
PN110-80-04-08-032	VOLUME 1	NEW SOURCE REVIEW REQUIREMENTS FOR LEAD
PN165-80-12-16-007	VOLUME 1	INTERPRETATION OF "SIGNIFICANT CONTRIBUTION"
PN165-84-01-09-012	VOLUME 1	INTERPRETATION OF THE POLICY ON COMPLIANCE WITH THE PROVISIONS OF PART D
PN165-84-06-11-014	VOLUME 1	APPLICABILITY OF PSD INCREMENTS TO BUILDING ROOFTOPS
PN165-85-05-09-015	VOLUME 1	IMPROVED NEW SOURCE REVIEW/PREVENTION OF SIGNIFICANT DETERIORATION (NSR/PSD) PROGRAM TRANSFER
PN165-87-04-08-018	VOLUME 2	CLARIFICATION OF NEW SOURCE REVIEW POLICY ON AVERAGING TIMES FOR PRODUCTION LIMITATIONS

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN165-87-04-22-019	VOLUME 2	HUNTSVILLE INCINERATOR - DETERMINING BEST AVAILABLE CONTROL TECHNOLOGY (BACT)
PN165-87-06-26-020	VOLUME 2	OPERATIONAL GUIDANCE ON CONTROL TECHNOLOGY FOR NEW AND MODIFIED MUNICIPAL WASTE COMBUSTORS(MWCs)
PN165-87-12-01-022	VOLUME 2	IMPROVING NEW SOURCE REVIEW (NSR) IMPLEMENTATION
PN165-85-06-28-023	VOLUME 2	MEMO TO WILLIAM S. BAKER ON SEASONAL AFTERBURNER POLICY
PN165-87-10-06-029	VOLUME 2	EMISSIONS FROM LANDFILLS
PN165-88-07-05-032	VOLUME 2	AIR QUALITY ANALYSIS FOR PREVENTION OF SIGNIFICANT DETERIORATION (PSD)
PN167-88-07-15-003	VOLUME 2	PROCEDURES FOR EPA TO ADDRESS DEFICIENT NEW SOURCE PERMITS UNDER THE CLEAN AIR ACT
** NO-ACTION ASSURANCES		
PN113-84-12-20-022	VOLUME 1	POLICY ON NO-ACTION ASSURANCES
** NO2 SIPS		
PN110-83-05-27-064	VOLUME 1	SUMMARY OF NAAQS INTERPRETATION
PN165-89-02-15-037	VOLUME 2	GUIDANCE ON EARLY DELEGATION OF AUTHORITY FOR THE NITROGEN DIOXIDE (NO2) INCREMENTS PROGRAM
** NON-DISCRETIONARY ENFORCEMENT DUTIES		
PN113-75-11-05-001	VOLUME 1	NON-DISCRETIONARY ENFORCEMENT DUTIES - ISSUANCE OF NOTICES OF VIOLATION
** NONATTAINMENT AREAS		
PN107-82-09-16-007	VOLUME 1	MILWAUKEE SO2 NONATTAINMENT DESIGNATION
PN107-83-04-21-008	VOLUME 1	SECTION 107 DESIGNATION POLICY SUMMARY
PN110-78-02-24-002	VOLUME 1	CRITERIA FOR APPROVAL OF 1979 SIP REVISIONS
PN110-79-04-04-015	VOLUME 1	GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF STATE IMPLEMENTATION PLAN REVISIONS FOR NONATTAINMENT AREAS (FR CITATION)
PN110-79-07-02-017	VOLUME 1	GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - SUPPLEMENT (ON PUBLIC COMMENT AND CONDITIONAL APPROVAL)
PN110-79-09-17-020	VOLUME 1	GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - (SUPPLEMENT ON CONTROL TECHNIQUES GUIDELINES) (FR CITATION)
PN110-80-10-23-044	VOLUME 1	GROWTH RESTRICTIONS IN SECONDARY NAAQS NONATTAINMENT AREAS
PN110-88-11-04-098	VOLUME 2	GUIDANCE ON LONG-TERM NONATTAINMENT OF THE PM10 STANDARDS
PN113-83-01-12-018	VOLUME 1	GUIDANCE ON IMPLEMENTATION OF THE 1982 DEADLINE ENFORCEMENT POLICY ISSUED SEPTEMBER 20, 1982
PN113-85-11-27-026	VOLUME 1	REVISED ENFORCEMENT POLICY RESPECTING SOURCES COMPLYING WITH CLEAN AIR ACT REQUIREMENTS BY SHUTDOWN
PN113-87-11-23-042	VOLUME 2	SETTLING ENFORCEMENT ACTIONS IN CLEAN AIR ACT NONATTAINMENT AREAS AGAINST STATIONARY SOURCES WHICH WILL NOT BE IN COMPLIANCE BY THE APPLICABLE ATTAINMENT DATE
PN113-88-03-31-049	VOLUME 2	IMPLEMENTATION OF RULE EFFECTIVENESS STUDIES

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN172-83-11-02-044	VOLUME 1	COMPLIANCE WITH THE STATUTORY PROVISIONS OF PART D OF THE CLEAN AIR ACT (FR CITATION)
PN172-84-06-25-046	VOLUME 1	APPLICABILITY OF GROUP III CONTROL TECHNIQUES GUIDELINES (CTG'S)
PN172-84-06-25-047	VOLUME 1	CONFIRMATION OF DEFINITION OF "100 TON-PER-YEAR (100 TPY) SOURCE"
PN172-84-09-14-048	VOLUME 1	VOLATILE ORGANIC COMPOUND (VOC) TEST METHODS OR PROCEDURES FOR SOURCE CATEGORIES IN GROUPS I, II, AND III CONTROL TECHNIQUES GUIDELINES (CTGS)
PN172-84-12-21-049	VOLUME 1	CONNECTICUT VOLATILE ORGANIC COMPOUND (VOC) ISSUES
PN172-85-07-02-051	VOLUME 1	RESIDUAL VOLATILE ORGANIC COMPOUND (VOC) CONTAINED IN COATING LINE PRODUCTS
PN172-86-10-30-053	VOLUME 2	INCLUSION OF CLEAN-UP SOLVENTS IN DETERMINING APPLICABILITY TO THE 100-TON PER YEAR NON-CTG REQUIREMENTS
PN172-87-06-25-054	VOLUME 2	EMISSION CUT-OFF FOR CONTROL TECHNIQUES GUIDELINES VOLATILE ORGANIC COMPOUND SOURCES
PN172-87-09-11-059	VOLUME 2	GEOGRAPHIC APPLICABILITY OF CLEAN AIR ACT SANCTIONS
PN172-87-12-10-060	VOLUME 2	LETTER TO LEONARD LEDBETTER ON USE OF POTENTIAL VS ACTUAL EMISSIONS FOR VOC REGULATIONS
PN172-88-05-27-061	VOLUME 2	TRANSMITTAL OF EPA GUIDANCE ON VOC ISSUES
PN172-88-09-07-064	VOLUME 2	AIR PROGRAMS APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS COMPLIANCE WITH THE STATUTORY PROVISIONS OF PART D AND SECTION 110 OF THE CLEAN AIR ACT (FR CITATION)
PN172-88-12-01-066	VOLUME 2	RACT REQUIREMENTS IN OZONE NONATTAINMENT AREAS
PN175-80-06-12-008	VOLUME 1	PROCEDURES FOR CONFORMANCE OF TRANSPORTATION PLANS, PROGRAMS AND PROJECTS WITH CLEAN AIR ACT STATE IMPLEMENTATION PLANS
PN175-80-06-23-009	VOLUME 1	PUBLIC PARTICIPATION IN THE STATE IMPLEMENTATION PLAN - TRANSPORTATION REVISION PROCESS: EXPANDED GUIDELINES (FR CITATION)
PN176-79-06-08-001	VOLUME 1	IMPACT OF CLEAN AIR ACT NONATTAINMENT SANCTIONS
** NONCOMPLIANCE		
PN120-80-09-12-001	VOLUME 1	PRIORITIES FOR ISSUING NOTICES OF NONCOMPLIANCE
PN120-81-02-12-003	VOLUME 1	IMPLEMENTATION OF NONCOMPLIANCE PENALTY PROGRAM UNDER SECTION 120 OF THE CLEAN AIR ACT
PN120-81-04-02-004	VOLUME 1	SETTLEMENT OF NONCOMPLIANCE PENALTY ASSESSMENTS UNDER SECTION 120 OF THE CLEAN AIR ACT, AS AMENDED
PN120-81-04-30-005	VOLUME 1	ISSUANCES OF NOTICES OF NONCOMPLIANCE UNDER SECTION 120 OF THE CLEAN AIR ACT TO SEASONAL SOURCES
PN120-85-03-19-006	VOLUME 1	PERMISSIBLE GROUNDS FOR SETTLEMENT OF NONCOMPLIANCE PENALTIES UNDER SECTION 120 OF THE CLEAN AIR ACT
PN120-85-03-19-007	VOLUME 1	GUIDANCE CONCERNING IMPLEMENTATION OF SECTION 120 OF THE CLEAN AIR ACT IN FISCAL YEAR 1985
** NOTICES OF VIOLATION		
PN113-75-11-05-001	VOLUME 1	NON-DISCRETIONARY ENFORCEMENT DUTIES - ISSUANCE OF NOTICES OF VIOLATION
PN113-76-06-25-002	VOLUME 1	DOCUMENTATION OF VIOLATION EXTENDING 30 DAYS BEYOND NOTICE OF VIOLATION UNDER SECTION 113 OF THE CLEAN AIR ACT

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN113-83-01-12-018	VOLUME 1	GUIDANCE ON IMPLEMENTATION OF THE 1982 DEADLINE ENFORCEMENT POLICY ISSUED SEPTEMBER 20, 1982
** NOx EMISSION LIMITATIONS		
PN110-78-02-24-002	VOLUME 1	CRITERIA FOR APPROVAL OF 1979 SIP REVISIONS
** NSPS		
PN110-80-05-09-034A	VOLUME 1	CLARIFICATION OF REQUIREMENTS FOR INCLUSION OF CONTINUOUS EMISSION MONITORING PROVISIONS IN STATE IMPLEMENTATION PLANS
PN111E-76-05-03-001	VOLUME 1	ENFORCEMENT OF NSPS REQUIREMENTS
PN111E-82-05-07-002	VOLUME 1	RESTATEMENT OF GUIDANCE ON EMISSIONS ASSOCIATED WITH SOOT BLOWING
PN111E-86-09-11-004	VOLUME 2	DELEGATION OF NEW SOURCE PERFORMANCE STANDARDS (NSPS) AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) AUTHORITY TO STATE/LOCAL AGENCIES
PN113-82-08-12-014	VOLUME 1	GUIDANCE CONCERNING EPA'S USE OF CONTINUOUS EMISSION MONITORING DATA
PN113-84-10-05-021	VOLUME 1	FINAL TECHNICAL GUIDANCE ON THE REVIEW AND USE OF EXCESS EMISSION REPORTS
PN113-85-10-30-025	VOLUME 1	FINAL TECHNICAL GUIDANCE ON THE REVIEW AND USE OF COAL SAMPLING AND ANALYSIS DATA
PN113-85-11-27-026	VOLUME 1	REVISED ENFORCEMENT POLICY RESPECTING SOURCES COMPLYING WITH CLEAN AIR ACT REQUIREMENTS BY SHUTDOWN
PN114-81-05-13-002	VOLUME 1	REGIONAL OFFICE CRITERIA FOR NEUTRAL INSPECTIONS OF STATIONARY SOURCES - AMENDED GUIDANCE
PN120-80-09-12-001	VOLUME 1	PRIORITIES FOR ISSUING NOTICES OF NONCOMPLIANCE
PN123-85-10-28-009	VOLUME 1	IMPLEMENTATION OF STACK HEIGHT REGULATIONS - PRESUMPTIVE NSPS EMISSION LIMIT FOR FLUID MODELING STACKS ABOVE FORMULA GEP HEIGHT
PN165-86-07-07-024	VOLUME 2	PREVENTION OF SIGNIFICANT DETERIORATION (PSD) DEFINITION OF "MODIFICATION"
PN165-88-09-09-035	VOLUME 2	APPLICABILITY OF PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NEW SOURCE PERFORMANCE STANDARDS (NSPS) TO THE WISCONSIN ELECTRIC POWER COMPANY (WEPCO) PORT WASHINGTON LIFE EXTENSION PROJECT
PN165-88-10-14-036	VOLUME 2	LETTER TO JOHN BOSTON FROM LEE THOMAS ON WEPCO DETERMINATION
PN172-78-08-24-006	VOLUME 1	CLARIFICATION OF EPA POLICY ON EMISSIONS FOR METHYL CHLOROFORM
** OFFSETS - GENERAL		
PN165-80-12-16-007	VOLUME 1	INTERPRETATION OF "SIGNIFICANT CONTRIBUTION"
** OPERATING PERMITS		
PN172-79-05-25-016	VOLUME 1	SUBMISSION OF STATE AIR PERMITS AS SIP REVISIONS
** ORGANISOLS		
PN172-85-04-25-050	VOLUME 1	CONSIDERATION OF ORGANISOLS IN VOLATILE ORGANIC COMPOUNDS (VOC) COMPLIANCE CALCULATIONS
** OZONE SIPS		
PN107-85-04-08-009	VOLUME 1	LETTER TO JUDGE TERRY ROBERTS FROM GERALD A. EMISON

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN107-85-10-08-010	VOLUME 1	OZONE AIR QUALITY DATA FOR REDESIGNATIONS
PN107-86-04-11-012	VOLUME 2	REQUIRED MONITORING PERIOD FOR OZONE REDESIGNATION IN UNCLASSIFIED AREAS
PN107-87-04-06-013	VOLUME 2	OZONE REDESIGNATION POLICY
PN110-78-02-24-002	VOLUME 1	CRITERIA FOR APPROVAL OF 1979 SIP REVISIONS
PN110-79-09-17-020	VOLUME 1	GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - (SUPPLEMENT ON CONTROL TECHNIQUES GUIDELINES) (FR CITATION)
PN110-82-08-11-060	VOLUME 1	REVIEW OF 1982 OZONE AND CO SIPS
PN110-83-05-27-064	VOLUME 1	SUMMARY OF NAAQS INTERPRETATION
PN110-80-07-22-067	VOLUME 1	(CITATION OF FR NOTICE ON SOLVENT REACTIVITIES)
PN110-85-08-27-071	VOLUME 1	CLASSIFICATION OF BENZENE AS A VOC
PN110-86-08-07-076	VOLUME 2	POLICY ON SIP REVISIONS REQUESTING COMPLIANCE DATE EXTENSIONS FOR VOC SOURCES
PN110-87-01-08-079	VOLUME 2	CLARIFICATION OF SEASONAL VOC CONTROL POLICY
PN110-87-04-17-081	VOLUME 2	DEFINITION OF VOC
PN113-87-07-06-038	VOLUME 2	SMALL VOC SOURCE COMPLIANCE STRATEGY - FINAL
PN113-87-09-11-040	VOLUME 2	REPORTING REQUIREMENTS AND SUPPLEMENTAL GUIDANCE: SMALL VOC SOURCE COMPLIANCE STRATEGY
PN113-88-03-31-049	VOLUME 2	IMPLEMENTATION OF RULE EFFECTIVENESS STUDIES
PN172-78-03-10-002	VOLUME 1	EXAMPLE DEMONSTRATION OF ATTAINMENT FOR PHOTOCHEMICAL OXIDANTS
PN172-78-08-04-004	VOLUME 1	REQUIREMENT FOR VOC RACT REGULATIONS IN ALL OXIDANT NONATTAINMENT AREAS
PN172-78-10-26-009	VOLUME 1	OZONE TRANSPORT VALUES FOR SIP REVISIONS
PN172-79-03-06-014	VOLUME 1	CUTBACK ASPHALT VOC REGULATIONS
PN172-79-05-25-017	VOLUME 1	CLARIFICATION OF AGENCY POLICY CONCERNING OZONE SIP REVISIONS AND SOLVENT REACTIVITIES
PN172-79-06-20-018	VOLUME 1	MODIFICATIONS TO RECOMMENDATIONS FOR SOLVENT METAL CLEANING
PN172-79-08-22-020	VOLUME 1	STATE IMPLEMENTATION PLANS/REVISED SCHEDULES FOR SUBMITTING RACT REGULATIONS FOR STATIONARY SOURCES OF VOLATILE ORGANIC COMPOUNDS(VOC)
PN172-79-12-12-023	VOLUME 1	EXEMPTIONS FOR DEGREASERS
PN172-80-07-02-029	VOLUME 1	EXEMPTION FOR COLD CLEANER DEGREASERS
PN172-80-09-03-030	VOLUME 1	MISCELLANEOUS METAL PARTS AND PRODUCTS CTG - EMISSION LIMITS FOR COATING OF SHIPPING PAILS AND DRUMS
PN172-80-11-20-032	VOLUME 1	COMPLIANCE WITH VOC EMISSION LIMITATIONS FOR CAN COATING OPERATIONS
PN172-80-12-01-033	VOLUME 1	REVISED SEASONAL AFTERBURNER POLICY
PN172-80-12-02-034	VOLUME 1	COST EFFECTIVENESS FOR RACT APPLICATION TO LEAKS FROM PETROLEUM REFINERY EQUIPMENT
PN172-80-12-02-035	VOLUME 1	RACT FOR SPECIALTY PRINTING OPERATIONS
PN172-81-02-06-036	VOLUME 1	STORAGE TANK VAPOR BALANCE REQUIREMENTS AT SYNTHESIZED PHARMACEUTICAL PRODUCTS MANUFACTURE FACILITIES
PN172-81-05-21-038	VOLUME 1	1982 OZONE AND CARBON MONOXIDE SIP GUIDANCE INDEX
PN172-81-01-22-039	VOLUME 1	STATE IMPLEMENTATION PLANS-APPROVAL OF 1982 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NEEDING AN ATTAINMENT DATE EXTENSION (FR CITATION)
PN172-82-10-29-041	VOLUME 1	QUESTIONS AND ANSWERS ON 1982 OZONE AND CO SIPS
PN172-84-06-25-047	VOLUME 1	CONFIRMATION OF DEFINITION OF "100 TON-PER-YEAR (100 TPY) SOURCE"

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN172-86-02-28-052	VOLUME 2	RESPONSES TO FOUR VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
PN172-86-09-29-058	VOLUME 2	SEASONAL VOC CONTROLS
PN172-87-09-11-059	VOLUME 2	GEOGRAPHIC APPLICABILITY OF CLEAN AIR ACT SANCTIONS
PN172-87-12-10-060	VOLUME 2	LETTER TO LEONARD LEDBETTER ON USE OF POTENTIAL VS ACTUAL EMISSIONS FOR VOC REGULATIONS
PN172-88-06-21-062	VOLUME 2	TRANSMITTAL OF AUTOMOBILE TOPCOAT PROTOCOL
PN172-88-09-07-064	VOLUME 2	AIR PROGRAMS APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS COMPLIANCE WITH THE STATUTORY PROVISIONS OF PART D AND SECTION 110 OF THE CLEAN AIR ACT (FR CITATION)
PN172-88-12-01-066	VOLUME 2	RACT REQUIREMENTS IN OZONE NONATTAINMENT AREAS
PN172-89-01-27-069	VOLUME 2	TRANSMITTAL OF QUESTIONS AND ANSWERS ON EMISSION INVENTORIES FOR POST-1987 OZONE AND CARBON MONOXIDE STATE IMPLEMENTATION PLAN CALL AREAS
** OZONE/CO CONTROL STRATEGY		
PN110-78-02-24-002	VOLUME 1	CRITERIA FOR APPROVAL OF 1979 SIP REVISIONS
PN172-81-01-22-039	VOLUME 1	STATE IMPLEMENTATION PLANS-APPROVAL OF 1982 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NEEDING AN ATTAINMENT DATE EXTENSION (FR CITATION)
** PAPER COATING		
PN110-80-08-04-040	VOLUME 1	APPLICABILITY OF PAPER COATING, FABRIC COATING, AND GRAPHIC ARTS CTGS
PN172-80-12-02-035	VOLUME 1	RACT FOR SPECIALTY PRINTING OPERATIONS
** PARTICULATE MATTER SIPS		
PN110-78-02-24-002	VOLUME 1	CRITERIA FOR APPROVAL OF 1979 SIP REVISIONS
PN110-80-03-10-030	VOLUME 1	EMISSION OFFSET REQUIREMENTS IN SECONDARY STANDARD TOTAL SUSPENDED PARTICULATE PLANS
PN110-87-08-11-085	VOLUME 2	PROCESSING OF PARTICULATE MATTER STATE IMPLEMENTATION PLAN REVISIONS
PN110-87-05-11-088	VOLUME 2	GUIDANCE ON ACCOUNTING FOR TRENDS IN PARTICULATE MATTER EMISSION AND AIR QUALITY DATA
PN110-87-08-11-090	VOLUME 2	DEVELOPMENT PLAN FOR PM10 STATE IMPLEMENTATION PLANS (SIP's)
PN110-87-10-02-091	VOLUME 2	CLARIFICATION OF IMPLEMENTATION POLICIES FOR PM10 NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS)
PN110-88-09-06-097	VOLUME 2	PM10 SIP DEVELOPMENT: STATUS AND CONCERNS
PN110-88-11-04-098	VOLUME 2	GUIDANCE ON LONG-TERM NONATTAINMENT OF THE PM10 STANDARDS
PN110-88-11-21-099	VOLUME 2	REVISION TO POLICY ON THE USE OF PM10 MEASUREMENT DATA
PN110-89-06-30-103	VOLUME 2	RESPONSE TO PM10 CONTROL STRATEGY ISSUES
PN113-80-03-11-006	VOLUME 1	INTERIM PARTICULATE CONTROLS
PN113-83-04-12-019	VOLUME 1	LETTER TO ROBERT R. WAHLER FROM KATHLEEN BENNETT RE ENFORCEMENT POLICY ON INTERIM PARTICULATE CONTROLS
PN113-85-06-28-024	VOLUME 1	PARTICULATE MATTER INTERIM ENFORCEMENT POLICY
PN165-87-08-05-028	VOLUME 2	IMPLEMENTATION OF REVISED PREVENTION OF SIGNIFICANT DETERIORATION (PSD) PROGRAM FOR PARTICULATE MATTER

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** PARTICULATE MATTER SOURCES		
PN123-86-02-11-011	VOLUME 2	PRIORITY FOR REVIEW OF PARTICULATE MATTER SOURCES FOR COMPLIANCE WITH REVISED STACK HEIGHT REGULATIONS
** PERFORMANCE TESTS		
PN111E-76-05-03-001	VOLUME 1	ENFORCEMENT OF NSPS REQUIREMENTS
PN111E-82-05-07-002	VOLUME 1	RESTATEMENT OF GUIDANCE ON EMISSIONS ASSOCIATED WITH SOOT BLOWING
** PERMIT ENFORCEABILITY		
PN167-88-03-29-002	VOLUME 2	OPINION IN U.S. V. LOUISIANA-PACIFIC CORPORATION
PN167-88-07-15-003	VOLUME 2	PROCEDURES FOR EPA TO ADDRESS DEFICIENT NEW SOURCE PERMITS UNDER THE CLEAN AIR ACT
PN172-79-05-25-016	VOLUME 1	SUBMISSION OF STATE AIR PERMITS AS SIP REVISIONS
** PERMIT FEES		
PN110-78-02-24-002	VOLUME 1	CRITERIA FOR APPROVAL OF 1979 SIP REVISIONS
** PETROLEUM REFINERY LEAKS		
PN172-80-12-02-034	VOLUME 1	COST EFFECTIVENESS FOR RACT APPLICATION TO LEAKS FROM PETROLEUM REFINERY EQUIPMENT
** PHARMACEUTICALS		
PN172-81-02-06-036	VOLUME 1	STORAGE TANK VAPOR BALANCE REQUIREMENTS AT SYNTHESIZED PHARMACEUTICAL PRODUCTS MANUFACTURE FACILITIES
** POLYETHYLENE		
PN172-86-01-09-057	VOLUME 2	CLARIFICATION OF CTG RACT RECOMMENDATIONS FOR HIGH-DENSITY POLYETHYLENE, POLYPROPYLENE, AND POLYSTYRENE
** POLYPROPYLENE		
PN172-86-01-09-057	VOLUME 2	CLARIFICATION OF CTG RACT RECOMMENDATIONS FOR HIGH-DENSITY POLYETHYLENE, POLYPROPYLENE, AND POLYSTYRENE
** POLYSTYRENE		
PN172-86-01-09-057	VOLUME 2	CLARIFICATION OF CTG RACT RECOMMENDATIONS FOR HIGH-DENSITY POLYETHYLENE, POLYPROPYLENE, AND POLYSTYRENE
** POWER PLANTS - COAL FIRED		
PN111E-76-05-03-001	VOLUME 1	ENFORCEMENT OF NSPS REQUIREMENTS
PN111E-82-05-07-002	VOLUME 1	RESTATEMENT OF GUIDANCE ON EMISSIONS ASSOCIATED WITH SOOT BLOWING
PN113-80-03-11-006	VOLUME 1	INTERIM PARTICULATE CONTROLS
PN113-83-04-12-019	VOLUME 1	LETTER TO ROBERT R. WAHLER FROM KATHLEEN BENNETT RE ENFORCEMENT POLICY ON INTERIM PARTICULATE CONTROLS
PN165-78-12-22-001	VOLUME 1	BACT INFORMATION FOR COAL-FIRED POWER PLANTS

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** PRESIDENTIAL EMERGENCY DECLARATIONS		
PN110-80-01-10-023A	VOLUME 1	ALTERNATE PROCEDURE FOR SECTION 110(F) RELIEF IN LOCALIZED, SHORT TERM ENERGY EMERGENCIES
** PRESUMED COMPLIANCE		
PN126-78-03-16-001	VOLUME 1	OUT OF STATE SOURCES EFFECT ON IMPLEMENTATION PLAN REVISION
** PRODUCTION LIMITATIONS		
PN165-87-04-08-018	VOLUME 2	CLARIFICATION OF NEW SOURCE REVIEW POLICY ON AVERAGING TIMES FOR PRODUCTION LIMITATIONS
** PSD		
PN110-87-09-21-086	VOLUME 2	AMBIENT AIR DEFINITION
PN113-87-05-27-036	VOLUME 2	REACTIVATION OF NORANDA LAKESHORE MINES' RLA PLANT AND PSD REVIEW
PN165-81-04-03-006	VOLUME 1	LETTER TO NATIONAL PARK SERVICE FROM EDWARD F. TUERK REGARDING PSD PERMITS
PN165-84-01-20-013	VOLUME 1	PSD INCREMENT CONSUMPTION CALCULATIONS
PN165-84-06-11-014	VOLUME 1	APPLICABILITY OF PSD INCREMENTS TO BUILDING ROOFTOPS
PN165-85-05-09-015	VOLUME 1	IMPROVED NEW SOURCE REVIEW/PREVENTION OF SIGNIFICANT DETERIORATION (NSR/PSD) PROGRAM TRANSFER
PN165-86-11-24-016	VOLUME 2	NEED FOR A SHORT-TERM BEST AVAILABLE CONTROL TECHNOLOGY (BACT) ANALYSIS FOR THE PROPOSED WILLIAM A. ZIMMER POWER PLANT
PN165-87-06-26-020	VOLUME 2	OPERATIONAL GUIDANCE ON CONTROL TECHNOLOGY FOR NEW AND MODIFIED MUNICIPAL WASTE COMBUSTORS(MWCs)
PN165-87-09-22-021	VOLUME 2	IMPLEMENTATION OF NORTH COUNTY RESOURCE RECOVERY PSD REMAND
PN165-87-12-01-022	VOLUME 2	IMPROVING NEW SOURCE REVIEW (NSR) IMPLEMENTATION
PN165-86-07-07-024	VOLUME 2	PREVENTION OF SIGNIFICANT DETERIORATION (PSD) DEFINITION OF "MODIFICATION"
PN165-86-10-21-025	VOLUME 2	APPLICABILITY OF PSD TO PORTIONS OF A PLANT CONSTRUCTED IN PHASES WITHOUT PERMITS
PN165-86-12-01-026	VOLUME 2	NEED FOR EMISSION CAP ON COMPLEX NETTING SOURCES
PN165-87-01-29-027	VOLUME 2	IMPLEMENTATION OF THE REVISED MODELING GUIDELINE FOR PREVENTION OF SIGNIFICANT DETERIORATION (PSD)
PN165-87-08-05-028	VOLUME 2	IMPLEMENTATION OF REVISED PREVENTION OF SIGNIFICANT DETERIORATION (PSD) PROGRAM FOR PARTICULATE MATTER
PN165-88-06-07-031	VOLUME 2	RESPONSE TO REQUEST FOR PREVENTION OF SIGNIFICANT DETERIORATION (PSD) APPLICABILITY DETERMINATION
PN165-88-07-05-032	VOLUME 2	AIR QUALITY ANALYSIS FOR PREVENTION OF SIGNIFICANT DETERIORATION (PSD)
PN165-88-07-28-033	VOLUME 2	SUPPLEMENTAL GUIDANCE IN IMPLEMENTING THE NORTH COUNTY PREVENTION OF SIGNIFICANT DETERIORATION (PSD) REMAND
PN165-88-09-09-035	VOLUME 2	APPLICABILITY OF PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NEW SOURCE PERFORMANCE STANDARDS (NSPS) TO THE WISCONSIN ELECTRIC POWER COMPANY (WEPCO) PORT WASHINGTON LIFE EXTENSION PROJECT
PN165-88-10-14-036	VOLUME 2	LETTER TO JOHN BOSTON FROM LEE THOMAS ON WEPCO DETERMINATION
PN165-89-02-15-037	VOLUME 2	GUIDANCE ON EARLY DELEGATION OF AUTHORITY FOR THE NITROGEN DIOXIDE (NO2) INCREMENTS PROGRAM

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN165-89-03-16-039	VOLUME 2	USE OF ALLOWABLE EMISSIONS FOR NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS) IMPACT ANALYSES UNDER THE REQUIREMENTS FOR PREVENTION OF SIGNIFICANT DETERIORATION (PSD)
PN165-89-03-31-040	VOLUME 2	APPLICATION OF BUILDING DOWNWASH IN PREVENTION OF SIGNIFICANT DETERIORATION (PSD) PERMIT ANALYSES
PN165-89-04-10-041	VOLUME 2	PREVENTION OF SIGNIFICANT DETERIORATION (PSD) APPLICABILITY TO SULFUR DIOXIDE (SO2) EMISSIONS FROM INCINERATION OF TOTAL REDUCED SULFUR (TRS) COMPOUNDS
PN167-83-12-14-001	VOLUME 1	GUIDANCE ON ENFORCEMENT OF PREVENTION OF SIGNIFICANT DETERIORATION REQUIREMENTS UNDER THE CLEAN AIR ACT
PN167-88-03-29-002	VOLUME 2	OPINION IN U.S. V. LOUISIANA-PACIFIC CORPORATION
PN172-79-05-25-016	VOLUME 1	SUBMISSION OF STATE AIR PERMITS AS SIP REVISIONS
** PSD APPLICABILITY		
PN165-80-12-16-007	VOLUME 1	INTERPRETATION OF "SIGNIFICANT CONTRIBUTION"
** PUBLIC COMMENT		
PN110-79-07-02-017	VOLUME 1	GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - SUPPLEMENT (ON PUBLIC COMMENT AND CONDITIONAL APPROVAL)
PN110-79-09-17-020	VOLUME 1	GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - (SUPPLEMENT ON CONTROL TECHNIQUES GUIDELINES) (FR CITATION)
** PUBLIC TRANSPORTATION MEASURES		
PN110-78-02-24-002	VOLUME 1	CRITERIA FOR APPROVAL OF 1979 SIP REVISIONS
** RACT DETERMINATIONS		
PN110-78-02-24-002	VOLUME 1	CRITERIA FOR APPROVAL OF 1979 SIP REVISIONS
PN110-82-08-11-060	VOLUME 1	REVIEW OF 1982 OZONE AND CO SIPS
PN110-87-01-20-080	VOLUME 2	DETERMINATION OF ECONOMIC FEASIBILITY
PN113-83-01-12-018	VOLUME 1	GUIDANCE ON IMPLEMENTATION OF THE 1982 DEADLINE ENFORCEMENT POLICY ISSUED SEPTEMBER 20, 1982
PN172-80-11-20-032	VOLUME 1	COMPLIANCE WITH VOC EMISSION LIMITATIONS FOR CAN COATING OPERATIONS
PN172-84-01-20-045	VOLUME 1	AVERAGING TIMES FOR COMPLIANCE WITH VOC EMISSION LIMITS - SIP REVISION POLICY
PN172-85-07-02-051	VOLUME 1	RESIDUAL VOLATILE ORGANIC COMPOUND (VOC) CONTAINED IN COATING LINE PRODUCTS
PN172-86-02-28-052	VOLUME 2	RESPONSES TO FOUR VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
PN172-86-01-09-057	VOLUME 2	CLARIFICATION OF CTG RACT RECOMMENDATIONS FOR HIGH-DENSITY POLYETHYLENE, POLYPROPYLENE, AND POLYSTYRENE
PN172-88-06-21-062	VOLUME 2	TRANSMITTAL OF AUTOMOBILE TOPCOAT PROTOCOL
PN172-88-08-23-063	VOLUME 2	LETTER TO WILLIAM JURIS ON VOC EMISSION CUTOFF

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN172-88-11-04-065	VOLUME 2	EPA AUTHORITY TO REQUEST CHANGES IN RACT RULES
PN172-88-12-01-066	VOLUME 2	RACT REQUIREMENTS IN OZONE NONATTAINMENT AREAS
PN172-88-11-04-068	VOLUME 2	EPA AUTHORITY TO REQUEST CHANGES IN RACT RULES
** REACTIVITY		
PN110-77-07-08-065	VOLUME 1	(CITATION OF FR NOTICE ENTITLED "RECOMMENDED POLICY ON CONTROL OF VOLATILE ORGANIC COMPOUNDS")
PN110-85-08-27-071	VOLUME 1	CLASSIFICATION OF BENZENE AS A VOC
PN110-87-04-17-081	VOLUME 2	DEFINITION OF VOC
PN110-87-07-21-089	VOLUME 2	DEFINITION OF VOLATILE ORGANIC COMPOUNDS (VOC's)
** REASONABLE FURTHER PROGRESS		
PN110-78-02-24-002	VOLUME 1	CRITERIA FOR APPROVAL OF 1979 SIP REVISIONS
PN165-85-05-09-015	VOLUME 1	IMPROVED NEW SOURCE REVIEW/PREVENTION OF SIGNIFICANT DETERIORATION (NSR/PSD) PROGRAM TRANSFER
PN172-81-01-22-039	VOLUME 1	STATE IMPLEMENTATION PLANS-APPROVAL OF 1982 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NEEDING AN ATTAINMENT DATE EXTENSION (FR CITATION)
** REDESIGNATION PROCEDURES		
PN107-85-10-08-010	VOLUME 1	OZONE AIR QUALITY DATA FOR REDESIGNATIONS
PN107-86-04-11-012	VOLUME 2	REQUIRED MONITORING PERIOD FOR OZONE REDESIGNATION IN UNCLASSIFIED AREAS
PN107-87-04-06-013	VOLUME 2	OZONE REDESIGNATION POLICY
PN107-88-04-05-014	VOLUME 2	LETTER TO NANCY MALOLEY ON REDESIGNATION OF 2 INDIANA COUNTIES
PN110-86-12-10-078	VOLUME 2	RULEMAKING ON STATE IMPLEMENTATION PLANS (SIP'S) FOR SO2
** REGIONAL CONSISTENCY		
PN110-82-08-11-060	VOLUME 1	REVIEW OF 1982 OZONE AND CO SIPS
PN301-81-01-20-001	VOLUME 1	IMPLEMENTATION OF THE REGIONAL CONSISTENCY REGULATIONS
** REPORTING REQUIREMENTS		
PN113-83-01-12-018	VOLUME 1	GUIDANCE ON IMPLEMENTATION OF THE 1982 DEADLINE ENFORCEMENT POLICY ISSUED SEPTEMBER 20, 1982
** REPRESENTATIVE EMISSION CONDITIONS		
PN110-88-06-17-094	VOLUME 2	DEMONSTRATION OF "REPRESENTATIVE EMISSION CONDITIONS" FOR USE IN "EXPECTED EXCEEDANCE" DETERMINATIONS
** RESOURCE RECOVERY FACILITIES		
PN165-87-09-22-021	VOLUME 2	IMPLEMENTATION OF NORTH COUNTY RESOURCE RECOVERY PSD REMAND
PN165-88-07-28-033	VOLUME 2	SUPPLEMENTAL GUIDANCE IN IMPLEMENTING THE NORTH COUNTY PREVENTION OF SIGNIFICANT DETERIORATION (PSD) REMAND
** RISK ANALYSIS		
PN112-85-09-17-008	VOLUME 1	PREPARATION OF QUANTITATIVE ANALYSIS IN AGENCY DECISION-MAKING

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** RISK ASSESSMENT		
PN172-79-05-25-017	VOLUME 1	CLARIFICATION OF AGENCY POLICY CONCERNING OZONE SIP REVISIONS AND SOLVENT REACTIVITIES
** RISK REDUCTION		
PN112-85-06-xx-007	VOLUME 1	REPRINT OF THE EPA AIR TOXICS STRATEGY (REFERENCE ONLY)
** ROLLBACK		
PN172-78-10-26-009	VOLUME 1	OZONE TRANSPORT VALUES FOR SIP REVISIONS
** RULE EFFECTIVENESS		
PN113-88-03-31-049	VOLUME 2	IMPLEMENTATION OF RULE EFFECTIVENESS STUDIES
** RUNNING AVERAGES		
PN110-83-05-27-064	VOLUME 1	SUMMARY OF NAAQS INTERPRETATION
** RURAL NONATTAINMENT		
PN172-84-06-25-046	VOLUME 1	APPLICABILITY OF GROUP III CONTROL TECHNIQUES GUIDELINES (CTG'S)
** SANCTIONS		
PN110-80-10-23-044	VOLUME 1	GROWTH RESTRICTIONS IN SECONDARY NAAQS NONATTAINMENT AREAS
PN115-78-03-20-002	VOLUME 1	INTERNATIONAL POLLUTION (EL PASO/JUAREZ)
PN172-80-08-11-043	VOLUME 1	MUNICIPAL WASTEWATER TREATMENT WORKS: CONSTRUCTION GRANTS LIMITATION PROVIDED BY SECTION 316 OF THE CLEAN AIR ACT: POLICY AND PROCEDURES (FR CITATION)
PN172-83-11-02-044	VOLUME 1	COMPLIANCE WITH THE STATUTORY PROVISIONS OF PART D OF THE CLEAN AIR ACT (FR CITATION)
PN172-87-09-11-059	VOLUME 2	GEOGRAPHIC APPLICABILITY OF CLEAN AIR ACT SANCTIONS
PN176-79-06-08-001	VOLUME 1	IMPACT OF CLEAN AIR ACT NONATTAINMENT SANCTIONS
** SEASONAL CONTROLS		
PN110-87-01-08-079	VOLUME 2	CLARIFICATION OF SEASONAL VOC CONTROL POLICY
PN120-81-04-30-005	VOLUME 1	ISSUANCES OF NOTICES OF NONCOMPLIANCE UNDER SECTION 120 OF THE CLEAN AIR ACT TO SEASONAL SOURCES
PN165-85-06-28-023	VOLUME 2	MEMO TO WILLIAM S. BAKER ON SEASONAL AFTERBURNER POLICY
PN172-80-12-01-033	VOLUME 1	REVISED SEASONAL AFTERBURNER POLICY
PN172-86-02-28-052	VOLUME 2	RESPONSES TO FOUR VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
PN172-86-09-29-058	VOLUME 2	SEASONAL VOC CONTROLS
** SECONDARY STANDARDS		
PN110-80-03-10-030	VOLUME 1	EMISSION OFFSET REQUIREMENTS IN SECONDARY STANDARD TOTAL SUSPENDED PARTICULATE PLANS

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN110-80-10-23-044	VOLUME 1	GROWTH RESTRICTIONS IN SECONDARY NAAQS NONATTAINMENT AREAS
** SECTION 111D PLAN REQUIREMENTS		
PN110-78-03-24-003	VOLUME 1	PLANS UNDER SECTION 111D OF THE CLEAN AIR ACT
PN110-80-08-08-041	VOLUME 1	THE BUBBLE POLICY AND STATE IMPLEMENTATION PLANS UNDER CLEAN AIR ACT SECTION 111D
PN111D-81-09-14-001	VOLUME 1	EPA POLICY ON WELFARE-RELATED POLLUTANTS UNDER SECTION 111D
** SHUTDOWNS		
PN113-83-02-15-017	VOLUME 1	POLICY ON EXCESS EMISSIONS DURING STARTUP, SHUTDOWN, MAINTENANCE, AND MALFUNCTIONS
PN113-85-11-27-026	VOLUME 1	REVISED ENFORCEMENT POLICY RESPECTING SOURCES COMPLYING WITH CLEAN AIR ACT REQUIREMENTS BY SHUTDOWN
PN113-87-05-27-036	VOLUME 2	REACTIVATION OF NORANDA LAKESHORE MINES' RLA PLANT AND PSD REVIEW
** SIGNIFICANT VIOLATORS		
PN110-88-08-05-096	VOLUME 2	IDENTIFYING AND EXPEDITING SIP REVISIONS THAT IMPACT THE ENFORCEMENT PROCESS
PN113-83-01-12-018	VOLUME 1	GUIDANCE ON IMPLEMENTATION OF THE 1982 DEADLINE ENFORCEMENT POLICY ISSUED SEPTEMBER 20, 1982
PN113-86-04-11-028	VOLUME 2	TIMELY AND APPROPRIATE ENFORCEMENT RESPONSE GUIDANCE
** SIP COMPLETENESS CRITERIA		
PN110-88-03-18-093	VOLUME 2	POLICY FOR DETERMINING COMPLETENESS OF SIP SUBMITTALS
** SIP CRITERIA MEMO		
PN110-78-02-24-002	VOLUME 1	CRITERIA FOR APPROVAL OF 1979 SIP REVISIONS
** SIP ENFORCEMENT		
PN110-78-03-24-003	VOLUME 1	PLANS UNDER SECTION 111D OF THE CLEAN AIR ACT
PN110-80-03-10-030	VOLUME 1	EMISSION OFFSET REQUIREMENTS IN SECONDARY STANDARD TOTAL SUSPENDED PARTICULATE PLANS
PN110-80-10-23-044	VOLUME 1	GROWTH RESTRICTIONS IN SECONDARY NAAQS NONATTAINMENT AREAS
PN111D-81-09-14-001	VOLUME 1	EPA POLICY ON WELFARE-RELATED POLLUTANTS UNDER SECTION 111D
PN113-76-08-12-003	VOLUME 1	ENFORCEMENT OF SIPS UNDERGOING REVISION
PN113-76-08-13-004	VOLUME 1	"REVIEWABILITY" OF EPA DETERMINATIONS IN SIP ENFORCEMENT ACTIONS
PN113-78-07-27-005	VOLUME 1	ENFORCEMENT UNDER CLEAN AIR ACT AMENDMENTS - ORDERS UNDER SECTION 113(A) AND 113(D)
PN113-80-05-27-007	VOLUME 1	DELAYED COMPLIANCE ORDERS REQUIRING SIP COMPLIANCE THROUGH TEMPORARY CONTROL MEASURES - AMENDED GUIDANCE
PN113-82-05-04-013	VOLUME 1	GUIDANCE ON POLICY FOR ENFORCEMENT OF VE VIOLATIONS AGAINST SOURCES WHICH ARE MEETING AN APPLICABLE MASS EMISSION STANDARD
PN113-82-08-12-014	VOLUME 1	GUIDANCE CONCERNING EPA'S USE OF CONTINUOUS EMISSION MONITORING DATA
PN113-84-12-20-022	VOLUME 1	POLICY ON NO-ACTION ASSURANCES

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN113-85-06-28-024	VOLUME 1	PARTICULATE MATTER INTERIM ENFORCEMENT POLICY
PN113-85-11-27-026	VOLUME 1	REVISED ENFORCEMENT POLICY RESPECTING SOURCES COMPLYING WITH CLEAN AIR ACT REQUIREMENTS BY SHUTDOWN
PN113-86-04-11-028	VOLUME 2	TIMELY AND APPROPRIATE ENFORCEMENT RESPONSE GUIDANCE
PN114-81-05-13-002	VOLUME 1	REGIONAL OFFICE CRITERIA FOR NEUTRAL INSPECTIONS OF STATIONARY SOURCES - AMENDED GUIDANCE
PN114-84-09-06-004	VOLUME 1	FINAL GUIDANCE ON USE OF UNANNOUNCED INSPECTIONS
PN120-80-09-12-001	VOLUME 1	PRIORITIES FOR ISSUING NOTICES OF NONCOMPLIANCE
PN172-79-05-25-016	VOLUME 1	SUBMISSION OF STATE AIR PERMITS AS SIP REVISIONS
PN172-86-02-28-052	VOLUME 2	RESPONSES TO FOUR VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
** SIP FORMAT		
PN110-80-09-25-043	VOLUME 1	INCORPORATION BY REFERENCE OF SIP REVISIONS
PN110-81-07-22-052	VOLUME 1	EXPERIMENTAL STATE IMPLEMENTATION PLAN (SIP) PROCESSING TECHNIQUES
** SIP GENERAL PREAMBLE		
PN110-79-04-04-015	VOLUME 1	GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF STATE IMPLEMENTATION PLAN REVISIONS FOR NONATTAINMENT AREAS (FR CITATION)
PN110-79-07-02-017	VOLUME 1	GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - SUPPLEMENT (ON PUBLIC COMMENT AND CONDITIONAL APPROVAL)
** SIP GRANDFATHERING		
PN110-88-06-27-095	VOLUME 2	"GRANDFATHERING" OF REQUIREMENTS FOR PENDING SIP REVISIONS
** SIP GUIDANCE INDEX		
PN172-81-05-21-038	VOLUME 1	1982 OZONE AND CARBON MONOXIDE SIP GUIDANCE INDEX
** SIP REGULATORY CONTINUITY		
PN172-79-01-16-012	VOLUME 1	CONTINUITY OF SIP REGULATIONS - REVISED ENCLOSURE
** SIP RELAXATION		
PN113-76-08-12-003	VOLUME 1	ENFORCEMENT OF SIPS UNDERGOING REVISION
** SIP REQUIREMENTS - NOX		
PN110-78-02-24-002	VOLUME 1	CRITERIA FOR APPROVAL OF 1979 SIP REVISIONS
PN110-80-05-09-034A	VOLUME 1	CLARIFICATION OF REQUIREMENTS FOR INCLUSION OF CONTINUOUS EMISSION MONITORING PROVISIONS IN STATE IMPLEMENTATION PLANS
** SIP REVIEW PROCEDURES		
PN107-83-04-21-008	VOLUME 1	SECTION 107 DESIGNATION POLICY SUMMARY
PN110-80-09-25-043	VOLUME 1	INCORPORATION BY REFERENCE OF SIP REVISIONS
PN110-81-07-22-052	VOLUME 1	EXPERIMENTAL STATE IMPLEMENTATION PLAN (SIP) PROCESSING TECHNIQUES

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN110-81-11-09-055	VOLUME 1	NEW PROCEDURES FOR REVIEW OF STATE IMPLEMENTATION PLANS
PN110-82-06-23-059	VOLUME 1	REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF STATE IMPLEMENTATION PLANS-NEW SIP PROCESSING PROCEDURES TO SAVE TIME AND RESOURCES (FR CITATION)
PN110-82-08-11-060	VOLUME 1	REVIEW OF 1982 OZONE AND CO SIPS
PN110-83-03-18-063	VOLUME 1	LETTER TO HARRY H. HOVEY RE EPA POLICY WITH REGARD TO AMBIENT AIR
PN110-87-12-23-092	VOLUME 2	EXPANDED USE OF DIRECT FINAL SIP PROCESSING
PN110-88-03-18-093	VOLUME 2	POLICY FOR DETERMINING COMPLETENESS OF SIP SUBMITTALS
PN110-88-06-27-095	VOLUME 2	"GRANDFATHERING" OF REQUIREMENTS FOR PENDING SIP REVISIONS
PN110-88-08-05-096	VOLUME 2	IDENTIFYING AND EXPEDITING SIP REVISIONS THAT IMPACT THE ENFORCEMENT PROCESS
PN110-89-01-19-100	VOLUME 2	STATE IMPLEMENTATION PLAN COMPLETENESS REVIEW (FR CITATION)
PN110-89-01-19-101	VOLUME 2	STATE IMPLEMENTATION PLAN PROCESSING REFORM (FR CITATION)
PN110-89-01-30-102	VOLUME 2	PROCEDURES FOR LETTER NOTICE APPROVAL OF MINOR SIP ACTIONS
PN113-87-06-25-037	VOLUME 2	PROPER AND TIMELY REVIEW OF STATE IMPLEMENTATION PLAN (SIP) REVISIONS
PN172-79-05-25-016	VOLUME 1	SUBMISSION OF STATE AIR PERMITS AS SIP REVISIONS
PN172-82-10-29-041	VOLUME 1	QUESTIONS AND ANSWERS ON 1982 OZONE AND CO SIPS
** SIP REVISIONS		
PN107-83-04-21-008	VOLUME 1	SECTION 107 DESIGNATION POLICY SUMMARY
PN110-83-05-27-064	VOLUME 1	SUMMARY OF NAAQS INTERPRETATION
PN110-79-06-18-066	VOLUME 1	REQUIREMENTS FOR PREPARATION, ADOPTION AND SUBMITTAL OF IMPLEMENTATION PLANS: INTERGOVERNMENTAL CONSULTATION (FR CITATION)
PN110-86-08-07-076	VOLUME 2	POLICY ON SIP REVISIONS REQUESTING COMPLIANCE DATE EXTENSIONS FOR VOC SOURCES
PN113-87-09-23-041	VOLUME 2	REVIEW OF STATE IMPLEMENTATION PLANS AND REVISIONS FOR ENFORCEABILITY AND LEGAL SUFFICIENCY
PN113-87-12-31-043	VOLUME 2	GUIDANCE ON EVALUATING CLEAN AIR ACT ENFORCEMENT OF STATE IMPLEMENTATION PLAN VIOLATIONS INVOLVING PROPOSED STATE REVISIONS
PN165-84-01-09-012	VOLUME 1	INTERPRETATION OF THE POLICY ON COMPLIANCE WITH THE PROVISIONS OF PART D
PN165-85-05-09-015	VOLUME 1	IMPROVED NEW SOURCE REVIEW/PREVENTION OF SIGNIFICANT DETERIORATION (NSR/PSD) PROGRAM TRANSFER
PN169A-86-11-10-002	VOLUME 2	VISIBILITY PROTECTION STATE IMPLEMENTATION PLANS (SIP'S)--VISIBILITY SIP'S PART II
PN172-78-08-04-004	VOLUME 1	REQUIREMENT FOR VOC RACT REGULATIONS IN ALL OXIDANT NONATTAINMENT AREAS
PN172-79-01-16-012	VOLUME 1	CONTINUITY OF SIP REGULATIONS - REVISED ENCLOSURE
PN172-83-11-02-044	VOLUME 1	COMPLIANCE WITH THE STATUTORY PROVISIONS OF PART D OF THE CLEAN AIR ACT (FR CITATION)
PN172-84-01-20-045	VOLUME 1	AVERAGING TIMES FOR COMPLIANCE WITH VOC EMISSION LIMITS - SIP REVISION POLICY
PN172-87-09-09-055	VOLUME 2	ALTERNATIVE COMPLIANCE FOR GRAPHIC ARTS RACT
PN172-88-09-07-064	VOLUME 2	AIR PROGRAMS APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS COMPLIANCE WITH THE STATUTORY PROVISIONS OF PART D AND SECTION 110 OF THE CLEAN AIR ACT (FR CITATION)

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN175-80-06-12-008	VOLUME 1	PROCEDURES FOR CONFORMANCE OF TRANSPORTATION PLANS, PROGRAMS AND PROJECTS WITH CLEAN AIR ACT STATE IMPLEMENTATION PLANS
PN175-80-06-23-009	VOLUME 1	PUBLIC PARTICIPATION IN THE STATE IMPLEMENTATION PLAN - TRANSPORTATION REVISION PROCESS: EXPANDED GUIDELINES (FR CITATION)
** SITE-SPECIFIC RACT LIMITS		
PN172-86-02-28-052	VOLUME 2	RESPONSES TO FOUR VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
** SO2 SIPS		
PN110-78-02-24-002	VOLUME 1	CRITERIA FOR APPROVAL OF 1979 SIP REVISIONS
PN110-83-05-27-064	VOLUME 1	SUMMARY OF NAAQS INTERPRETATION
PN110-86-03-28-073	VOLUME 2	BLOCK AVERAGES IN IMPLEMENTING SO2 NAAQS
PN110-86-05-23-075	VOLUME 2	LETTER TO NANCY MALOLEY FROM CRAIG POTTER ON THE INDIANA SO2 SIP
PN110-86-12-10-078	VOLUME 2	RULEMAKING ON STATE IMPLEMENTATION PLANS (SIP'S) FOR SO2
PN110-87-07-29-084	VOLUME 2	STATE IMPLEMENTATION PLANS FOR SULFUR DIOXIDE
PN113-88-07-05-051	VOLUME 2	TRANSMITTAL OF SO2 CONTINUOUS COMPLIANCE STRATEGY
PN165-89-04-10-041	VOLUME 2	PREVENTION OF SIGNIFICANT DETERIORATION (PSD) APPLICABILITY TO SULFUR DIOXIDE (SO2) EMISSIONS FROM INCINERATION OF TOTAL REDUCED SULFUR (TRS) COMPOUNDS
** SOLVENT REACTIVITY		
PN110-80-07-22-067	VOLUME 1	(CITATION OF FR NOTICE ON SOLVENT REACTIVITIES)
PN172-79-05-25-017	VOLUME 1	CLARIFICATION OF AGENCY POLICY CONCERNING OZONE SIP REVISIONS AND SOLVENT REACTIVITIES
** SOLVENT REGULATIONS		
PN172-79-06-20-018	VOLUME 1	MODIFICATIONS TO RECOMMENDATIONS FOR SOLVENT METAL CLEANING
PN172-79-12-12-023	VOLUME 1	EXEMPTIONS FOR DEGREASERS
PN172-80-07-02-029	VOLUME 1	EXEMPTION FOR COLD CLEANER DEGREASERS
PN172-86-10-30-053	VOLUME 2	INCLUSION OF CLEAN-UP SOLVENTS IN DETERMINING APPLICABILITY TO THE 100-TON PER YEAR NON-CTG REQUIREMENTS
** SOOT BLOWING		
PN111E-82-05-07-002	VOLUME 1	RESTATEMENT OF GUIDANCE ON EMISSIONS ASSOCIATED WITH SOOT BLOWING
** SOURCE DEFINITION		
PN165-87-02-27-017	VOLUME 2	PLANTWIDE DEFINITION OF MAJOR STATIONARY SOURCES OF AIR POLLUTION
** STACK HEIGHT REGULATIONS		
PN123-85-09-19-006	VOLUME 1	GUIDANCE ON FLUID MODEL DEMONSTRATIONS FOR DETERMINING GEP STACK HEIGHT IN COMPLEX TERRAIN
PN123-85-10-10-007	VOLUME 1	QUESTIONS AND ANSWERS ON IMPLEMENTING THE REVISED STACK HEIGHT REGULATION
PN123-85-10-28-008	VOLUME 1	IMPLEMENTATION OF STACK HEIGHT REGULATIONS - EXCEPTIONS FROM RESTRICTIONS ON CREDIT FOR MERGED STACKS

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN123-85-10-28-009	VOLUME 1	IMPLEMENTATION OF STACK HEIGHT REGULATIONS - PRESUMPTIVE NSPS EMISSION LIMIT FOR FLUID MODELING STACKS ABOVE FORMULA GEP HEIGHT
PN123-85-10-28-010	VOLUME 1	DETERMINING STACK HEIGHTS "IN EXISTENCE" BEFORE DECEMBER 31, 1970
PN123-86-02-11-011	VOLUME 2	PRIORITY FOR REVIEW OF PARTICULATE MATTER SOURCES FOR COMPLIANCE WITH REVISED STACK HEIGHT REGULATIONS
PN123-86-02-11-012	VOLUME 2	CLARIFICATION OF EXISTING GUIDANCE ON DISPERSION MODELING REQUIREMENTS FOR PLANTS WITH "TALL STACKS" AND OTHER PROHIBITED DISPERSION TECHNIQUES
PN123-87-09-03-013	VOLUME 2	TECHNICAL SUPPORT FOR STACK HEIGHT NEGATIVE DECLARATIONS
PN123-87-10-09-014	VOLUME 2	PROCESSING OF STACK HEIGHT NEGATIVE DECLARATIONS
PN123-88-01-07-015	VOLUME 2	STACK HEIGHT EMISSIONS BALANCING - FINAL POLICY STATEMENT (FR CITATION)
PN123-88-05-17-016	VOLUME 2	APPLICATION OF THE INTERIM POLICY FOR STACK HEIGHT REGULATORY ACTIONS
PN123-89-04-20-017	VOLUME 2	LETTER TO JOHN PROCTOR FROM G. EMISON
** STATE BOARDS		
PN110-78-02-24-002	VOLUME 1	CRITERIA FOR APPROVAL OF 1979 SIP REVISIONS
** STORAGE TANKS		
PN172-81-02-06-036	VOLUME 1	STORAGE TANK VAPOR BALANCE REQUIREMENTS AT SYNTHESIZED PHARMACEUTICAL PRODUCTS MANUFACTURE FACILITIES
** SURROGATE AIR QUALITY DATA		
PN107-85-10-08-010	VOLUME 1	OZONE AIR QUALITY DATA FOR REDESIGNATIONS
** SURVEILLANCE ACTIONS		
PN114-81-05-13-002	VOLUME 1	REGIONAL OFFICE CRITERIA FOR NEUTRAL INSPECTIONS OF STATIONARY SOURCES - AMENDED GUIDANCE
PN120-80-09-12-001	VOLUME 1	PRIORITIES FOR ISSUING NOTICES OF NONCOMPLIANCE
** TANK TRUCK UNLOADING		
PN172-81-02-06-036	VOLUME 1	STORAGE TANK VAPOR BALANCE REQUIREMENTS AT SYNTHESIZED PHARMACEUTICAL PRODUCTS MANUFACTURE FACILITIES
** TEMP EMERGENCY SIP SUSPENSIONS		
PN110-80-01-10-023A	VOLUME 1	ALTERNATE PROCEDURE FOR SECTION 110(F) RELIEF IN LOCALIZED, SHORT TERM ENERGY EMERGENCIES
** TIMELY AND APPROPRIATE ENFORCEMENT RESPONSE		
PN113-86-04-11-028	VOLUME 2	TIMELY AND APPROPRIATE ENFORCEMENT RESPONSE GUIDANCE
PN172-86-02-28-052	VOLUME 2	RESPONSES TO FOUR VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
** TOXIC SUBSTANCES		
PN110-82-11-24-061	VOLUME 1	SIP ACTIONS AND TOXIC POLLUTANTS
PN165-87-09-22-021	VOLUME 2	IMPLEMENTATION OF NORTH COUNTY RESOURCE RECOVERY PSD REMAND

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN165-88-07-28-033	VOLUME 2	SUPPLEMENTAL GUIDANCE IN IMPLEMENTING THE NORTH COUNTY PREVENTION OF SIGNIFICANT DETERIORATION (PSD) REMAND
** TRADE SECRETS		
PN114-83-12-15-003	VOLUME 1	EXECUTION OF CONFIDENTIALITY AGREEMENTS UNDER SECTION 114 OF THE CLEAN AIR ACT
** TRANSFER EFFICIENCY		
PN110-85-12-16-072	VOLUME 1	BASELINE TIME PERIODS FOR VOC TRANSFER EFFICIENCY CREDITS
PN110-86-04-11-074	VOLUME 2	RESPONSES TO FIVE VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
** TRANSFER OF TECHNOLOGY (LAER)		
PN165-88-08-29-034	VOLUME 2	TRANSFER OF TECHNOLOGY IN DETERMINING LOWEST ACHIEVABLE EMISSION RATE (LAER)
** TRANSPORT VALUES - OXIDANT		
PN172-78-08-04-004	VOLUME 1	REQUIREMENT FOR VOC RACT REGULATIONS IN ALL OXIDANT NONATTAINMENT AREAS
PN172-78-10-26-009	VOLUME 1	OZONE TRANSPORT VALUES FOR SIP REVISIONS
** TRANSPORTATION GRANTS		
PN175-79-02-12-004	VOLUME 1	REGIONAL OFFICE ASSISTANCE IN EXPEDITING HEADQUARTERS REVIEW OF SECTION 175 GRANT APPLICATIONS
** TRANSPORTATION PLANNING		
PN110-78-02-24-002	VOLUME 1	CRITERIA FOR APPROVAL OF 1979 SIP REVISIONS
PN172-78-06-14-026	VOLUME 1	MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF TRANSPORTATION AND THE ENVIRONMENTAL PROTECTION AGENCY REGARDING THE INTEGRATION OF TRANSPORTATION AND AIR QUALITY PLANNING
PN172-81-05-21-038	VOLUME 1	1982 OZONE AND CARBON MONOXIDE SIP GUIDANCE INDEX
PN172-81-01-22-039	VOLUME 1	STATE IMPLEMENTATION PLANS-APPROVAL OF 1982 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NEEDING AN ATTAINMENT DATE EXTENSION (FR CITATION)
PN175-80-06-12-008	VOLUME 1	PROCEDURES FOR CONFORMANCE OF TRANSPORTATION PLANS, PROGRAMS AND PROJECTS WITH CLEAN AIR ACT STATE IMPLEMENTATION PLANS
PN175-80-06-23-009	VOLUME 1	PUBLIC PARTICIPATION IN THE STATE IMPLEMENTATION PLAN - TRANSPORTATION REVISION PROCESS: EXPANDED GUIDELINES (FR CITATION)
** TRICHLOROETHANE		
PN172-78-08-24-006	VOLUME 1	CLARIFICATION OF EPA POLICY ON EMISSIONS FOR METHYL CHLOROFORM
** UMTA		
PN175-79-02-12-004	VOLUME 1	REGIONAL OFFICE ASSISTANCE IN EXPEDITING HEADQUARTERS REVIEW OF SECTION 175 GRANT APPLICATIONS

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** UNANNOUNCED INSPECTIONS		
PN114-84-09-06-004	VOLUME 1	FINAL GUIDANCE ON USE OF UNANNOUNCED INSPECTIONS
** UNCLASSIFIED AREAS		
PN107-83-04-21-008	VOLUME 1	SECTION 107 DESIGNATION POLICY SUMMARY
** VAPOR RECOVERY		
PN172-78-06-30-003	VOLUME 1	VAPOR RECOVERY REGULATIONS REQUIRED TO MEET RACT REQUIREMENTS FOR THE 1979 SIP
PN172-81-02-06-036	VOLUME 1	STORAGE TANK VAPOR BALANCE REQUIREMENTS AT SYNTHESIZED PHARMACEUTICAL PRODUCTS MANUFACTURE FACILITIES
** VINYL CHLORIDE		
PN112-84-07-11-005	VOLUME 1	VINYL CHLORIDE NESHAP ENFORCEMENT STRATEGY
** VINYL COATINGS		
PN172-85-07-02-051	VOLUME 1	RESIDUAL VOLATILE ORGANIC COMPOUND (VOC) CONTAINED IN COATING LINE PRODUCTS
** VISIBILITY PROTECTION		
PN169A-85-03-25-001	VOLUME 1	VISIBILITY MONITORING STRATEGY REQUIREMENTS
PN169A-86-11-10-002	VOLUME 2	VISIBILITY PROTECTION STATE IMPLEMENTATION PLANS (SIP'S)--VISIBILITY SIP'S PART II
** VISIBLE EMISSIONS		
PN113-82-05-04-013	VOLUME 1	GUIDANCE ON POLICY FOR ENFORCEMENT OF VE VIOLATIONS AGAINST SOURCES WHICH ARE MEETING AN APPLICABLE MASS EMISSION STANDARD
** VOC BASELINE YEAR		
PN172-86-02-28-052	VOLUME 2	RESPONSES TO FOUR VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
** VOC COMPLIANCE		
PN113-87-07-06-038	VOLUME 2	SMALL VOC SOURCE COMPLIANCE STRATEGY - FINAL
PN113-87-09-11-040	VOLUME 2	REPORTING REQUIREMENTS AND SUPPLEMENTAL GUIDANCE: SMALL VOC SOURCE COMPLIANCE STRATEGY
PN172-85-04-25-050	VOLUME 1	CONSIDERATION OF ORGANISOLS IN VOLATILE ORGANIC COMPOUNDS (VOC) COMPLIANCE CALCULATIONS
PN172-85-07-02-051	VOLUME 1	RESIDUAL VOLATILE ORGANIC COMPOUND (VOC) CONTAINED IN COATING LINE PRODUCTS
PN172-86-02-28-052	VOLUME 2	RESPONSES TO FOUR VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
PN172-89-03-16-071	VOLUME 2	COMPLIANCE SCHEDULES FOR VOLATILE ORGANIC COMPOUNDS (VOC's)

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** VOC CONTROLS		
PN110-78-02-24-002	VOLUME 1	CRITERIA FOR APPROVAL OF 1979 SIP REVISIONS
PN110-80-07-31-039	VOLUME 1	APPLICABILITY OF VOC CONTROL TECHNIQUE GUIDELINES (CTGS) TO THE AUTOMOBILE MANUFACTURING INDUSTRY
PN110-80-08-04-040	VOLUME 1	APPLICABILITY OF PAPER COATING, FABRIC COATING, AND GRAPHIC ARTS CTGS
PN110-77-07-08-065	VOLUME 1	(CITATION OF FR NOTICE ENTITLED "RECOMMENDED POLICY ON CONTROL OF VOLATILE ORGANIC COMPOUNDS")
PN110-85-08-27-071	VOLUME 1	CLASSIFICATION OF BENZENE AS A VOC
PN110-85-12-16-072	VOLUME 1	BASELINE TIME PERIODS FOR VOC TRANSFER EFFICIENCY CREDITS
PN110-86-04-11-074	VOLUME 2	RESPONSES TO FIVE VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
PN110-86-08-07-076	VOLUME 2	POLICY ON SIP REVISIONS REQUESTING COMPLIANCE DATE EXTENSIONS FOR VOC SOURCES
PN110-87-01-08-079	VOLUME 2	CLARIFICATION OF SEASONAL VOC CONTROL POLICY
PN110-87-04-17-081	VOLUME 2	DEFINITION OF VOC
PN110-87-07-21-089	VOLUME 2	DEFINITION OF VOLATILE ORGANIC COMPOUNDS (VOC's)
PN113-85-04-24-023	VOLUME 1	ACHIEVING VOC COMPLIANCE FROM DEPARTMENT OF DEFENSE CONTRACTOR FACILITIES
PN113-86-01-17-027	VOLUME 2	ISSUES #3(E) AND #5 OF THE VOC ISSUE RESOLUTION PROCESS: ESTABLISHING PROOF OF VOC EMISSIONS VIOLATIONS, AND BUBBLES IN CONSENT DECREES RESOLVING CIVIL ACTIONS UNDER SECTION 113(b) OF THE CLEAN AIR ACT
PN113-86-08-07-032	VOLUME 2	POLICY ON THE AVAILABILITY OF LOW-SOLVENT TECHNOLOGY SCHEDULES IN CLEAN AIR ACT ENFORCEMENT ACTIONS
PN165-85-06-28-023	VOLUME 2	MEMO TO WILLIAM S. BAKER ON SEASONAL AFTERBURNER POLICY
PN165-88-04-25-030	VOLUME 2	LAER EMISSION LIMITS FOR AUTOMOBILE AND LIGHT-DUTY TRUCK TOPCOAT OPERATIONS
PN172-78-03-10-002	VOLUME 1	EXAMPLE DEMONSTRATION OF ATTAINMENT FOR PHOTOCHEMICAL OXIDANTS
PN172-79-03-06-014	VOLUME 1	CUTBACK ASPHALT VOC REGULATIONS
PN172-79-05-25-017	VOLUME 1	CLARIFICATION OF AGENCY POLICY CONCERNING OZONE SIP REVISIONS AND SOLVENT REACTIVITIES
PN172-79-08-21-019	VOLUME 1	STATE IMPLEMENTATION PLANS: GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - SUPPLEMENT (ON REVISED SCHEDULES FOR SUBMISSION OF VOLATILE ORGANIC CHEMICAL RACT REGULATIONS)
PN172-79-08-22-020	VOLUME 1	STATE IMPLEMENTATION PLANS/REVISED SCHEDULES FOR SUBMITTING RACT REGULATIONS FOR STATIONARY SOURCES OF VOLATILE ORGANIC COMPOUNDS(VOC)
PN172-79-12-12-023	VOLUME 1	EXEMPTIONS FOR DEGREASERS
PN172-80-06-16-027	VOLUME 1	GASOLINE TANK TRUCK REGULATIONS
PN172-80-07-02-029	VOLUME 1	EXEMPTION FOR COLD CLEANER DEGREASERS
PN172-80-12-01-033	VOLUME 1	REVISED SEASONAL AFTERBURNER POLICY
PN172-81-02-06-036	VOLUME 1	STORAGE TANK VAPOR BALANCE REQUIREMENTS AT SYNTHESIZED PHARMACEUTICAL PRODUCTS MANUFACTURE FACILITIES
PN172-84-01-20-045	VOLUME 1	AVERAGING TIMES FOR COMPLIANCE WITH VOC EMISSION LIMITS - SIP REVISION POLICY
PN172-84-09-14-048	VOLUME 1	VOLATILE ORGANIC COMPOUND (VOC) TEST METHODS OR PROCEDURES FOR SOURCE CATEGORIES IN GROUPS I, II, AND III CONTROL TECHNIQUES GUIDELINES (CTGS)

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
PN172-84-12-21-049	VOLUME 1	CONNECTICUT VOLATILE ORGANIC COMPOUND (VOC) ISSUES
PN172-85-04-25-050	VOLUME 1	CONSIDERATION OF ORGANISOLS IN VOLATILE ORGANIC COMPOUNDS (VOC) COMPLIANCE CALCULATIONS
PN172-87-06-25-054	VOLUME 2	EMISSION CUT-OFF FOR CONTROL TECHNIQUES GUIDELINES VOLATILE ORGANIC COMPOUND SOURCES
PN172-86-09-29-058	VOLUME 2	SEASONAL VOC CONTROLS
PN172-87-12-10-060	VOLUME 2	LETTER TO LEONARD LEDBETTER ON USE OF POTENTIAL VS ACTUAL EMISSIONS FOR VOC REGULATIONS
PN172-88-05-27-061	VOLUME 2	TRANSMITTAL OF EPA GUIDANCE ON VOC ISSUES
PN172-88-08-23-063	VOLUME 2	LETTER TO WILLIAM JURIS ON VOC EMISSION CUTOFF
PN172-88-12-16-067	VOLUME 2	VOLATILE ORGANIC COMPOUND (VOC) DISPOSAL REGULATION
PN172-89-02-15-070	VOLUME 2	MARINE VESSEL VAPOR CONTROL
PN172-89-04-03-072	VOLUME 2	APPLICABILITY OF MISCELLANEOUS METAL PARTS AND PRODUCTS COATINGS REGULATIONS TO ADHESIVES, SEALANTS AND FILLERS
PN172-89-04-07-073	VOLUME 2	BASELINE FOR CROSS-LINE AVERAGING
PN172-89-05-25-075	VOLUME 2	CORRECTING CAPTURE EFFICIENCY (CE) REGULATIONS
PN172-89-07-06-076	VOLUME 2	AEROSPACE AND SIMILAR RULES IN OZONE STATE IMPLEMENTATION PLANS (SIP'S)
** VOC RACT		
PN110-78-02-24-002	VOLUME 1	CRITERIA FOR APPROVAL OF 1979 SIP REVISIONS
PN110-79-09-17-020	VOLUME 1	GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - (SUPPLEMENT ON CONTROL TECHNIQUES GUIDELINES) (FR CITATION)
PN172-78-06-30-003	VOLUME 1	VAPOR RECOVERY REGULATIONS REQUIRED TO MEET RACT REQUIREMENTS FOR THE 1979 SIP
PN172-78-08-04-004	VOLUME 1	REQUIREMENT FOR VOC RACT REGULATIONS IN ALL OXIDANT NONATTAINMENT AREAS
PN172-78-08-24-006	VOLUME 1	CLARIFICATION OF EPA POLICY ON EMISSIONS FOR METHYL CHLOROFORM
PN172-78-10-06-008	VOLUME 1	COMMENTS ON AUTO INDUSTRY PROPOSALS
PN172-79-06-20-018	VOLUME 1	MODIFICATIONS TO RECOMMENDATIONS FOR SOLVENT METAL CLEANING
PN172-79-08-21-019	VOLUME 1	STATE IMPLEMENTATION PLANS: GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - SUPPLEMENT (ON REVISED SCHEDULES FOR SUBMISSION OF VOLATILE ORGANIC CHEMICAL RACT REGULATIONS)
PN172-79-08-22-020	VOLUME 1	STATE IMPLEMENTATION PLANS/REVISED SCHEDULES FOR SUBMITTING RACT REGULATIONS FOR STATIONARY SOURCES OF VOLATILE ORGANIC COMPOUNDS(VOC)
PN172-80-09-03-030	VOLUME 1	MISCELLANEOUS METAL PARTS AND PRODUCTS CTG - EMISSION LIMITS FOR COATING OF SHIPPING PAILS AND DRUMS
PN172-80-11-20-032	VOLUME 1	COMPLIANCE WITH VOC EMISSION LIMITATIONS FOR CAN COATING OPERATIONS
PN172-80-12-02-034	VOLUME 1	COST EFFECTIVENESS FOR RACT APPLICATION TO LEAKS FROM PETROLEUM REFINERY EQUIPMENT
PN172-80-12-02-035	VOLUME 1	RACT FOR SPECIALTY PRINTING OPERATIONS
PN172-89-07-06-076	VOLUME 2	AEROSPACE AND SIMILAR RULES IN OZONE STATE IMPLEMENTATION PLANS (SIP'S)

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
SUBJECT INDEX

DOCUMENT NUMBER	NOTEBOOK VOLUME	DOCUMENT SUBJECT
** VOC RECORDKEEPING		
PN110-86-04-11-074	VOLUME 2	RESPONSES TO FIVE VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
** VOC TEST METHODS		
PN110-86-04-11-074	VOLUME 2	RESPONSES TO FIVE VOC ISSUES RAISED BY THE REGIONAL OFFICES AND DEPARTMENT OF JUSTICE
PN172-84-09-14-048	VOLUME 1	VOLATILE ORGANIC COMPOUND (VOC) TEST METHODS OR PROCEDURES FOR SOURCE CATEGORIES IN GROUPS I, II, AND III CONTROL TECHNIQUES GUIDELINES (CTGS)
** VOC WASTE DISPOSAL		
PN172-88-12-16-067	VOLUME 2	VOLATILE ORGANIC COMPOUND (VOC) DISPOSAL REGULATION

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 107
UPDATE NUMBER 8
(VOLUME 1)

** CLEAN AIR ACT SECTION 107

* DOCUMENT NUMBER: PN107-82-09-16-007
MILWAUKEE SO2 NONATTAINMENT DESIGNATION

* DOCUMENT NUMBER: PN107-83-04-21-008
SECTION 107 DESIGNATION POLICY SUMMARY

* DOCUMENT NUMBER: PN107-85-04-08-009
LETTER TO JUDGE TERRY ROBERTS FROM GERALD A. EMISON

* DOCUMENT NUMBER: PN107-85-10-08-010
OZONE AIR QUALITY DATA FOR REDESIGNATIONS

PN 107-85-10-08-010

Silvasi

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

OCT 8 1985

MEMORANDUM

SUBJECT: Ozone Air Quality Data for Redesignations

FROM: Darryl D. Tyler, Director
Control Programs Development Division (MD-15)

TO: Director, Air Division, Regions I-X

This is to clarify the meaning of the term "surrogate" as it applies to EPA's redesignation policy for ozone.

The EPA redesignation policy for ozone comprises two parts, both of which relate to the underlying need to review all available information relative to the attainment status of an area. One of these parts addresses the necessity for sufficient measured data. The other part addresses the need for evidence that some real and enforceable emission reductions have caused the improvement in air quality. Both of these parts must be satisfied in order for a redesignation request to be considered.

The May 30, 1985, ozone policy summary[1] states that "for ozone, redesignation requires either that the three most recent years of air quality data not show more than an average of one exceedance per year or, as a surrogate, that the most recent 8 quarters of air quality data show no exceedances." The reference is Sheldon Meyers' April 21, 1983, memorandum on redesignation criteria. That memorandum was developed to provide some reasonable flexibility to all areas that, in 1983, had not had an adequate monitoring network in operation for the necessary 3 years.

Recently, at least one agency has erroneously interpreted this past ozone redesignation guidance to exclude valid existing data. The EPA position is that valid data, which are representative of current conditions, cannot be arbitrarily excluded. Therefore, when 3 years of valid data are available, the term "surrogate" should not be interpreted to mean that the most recent 8 quarters of data can be used in place of the most recent 3 years.

---

[1]Ozone Policy Summary, May 30, 1985, prepared by Larry J. Wilson, OAQPS, page 14.

An exception to the requirement for 3 years of ozone data is possible if a demonstration can be made that substantial reductions in ozone-forming emissions have occurred within the same 3-year period. The reductions must still be in effect such that earlier air quality data are no longer representative of current conditions.

This means that areas with substantial emission reductions occurring over the 3-year period may make a demonstration that only the years after the reductions occurred should be used as the basis for redesignation. The EPA recognizes that the use of fewer than 3 years of data significantly increases the uncertainty of whether attainment has been reached. The EPA will review the demonstration as to whether the entire 3-year period or only the post-reduction part is most representative of current emission conditions. Accordingly, any request for actions using less than 3 years of ozone data should be coordinated in advance with OAQPS.

We recommend the following guideline in reviewing the demonstrations:

- Reductions must be substantial and of an order of magnitude corresponding to the reduction in air quality values.

- Post-reduction data must be adequate to assure attainment. There should be a minimum of 2 years of data in the post-reduction period.

- Post-reduction emission levels must be real, quantifiable, and maintained in the future.

Please make sure that this issue is clarified to all interested parties and employed in all ozone redesignation actions. If your staff have any questions, please contact Larry Wilson at 629-5540.

cc: Regional Administrator, Regions I-X
Chief, Air Branch, Regions I-X
Ron Campbell
Tom Curran
Gerald Emison
Richard Rhoads
John Silvasi
B. J. Steigerwald
John Ulfelder
Ray Vogel
Larry Wilson

PN 107-85-04-08-009

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

APR 08 1985

Judge Terry Roberts
Boone County Fiscal Court
Post Office Box 77
Burlington, Kentucky 41005

Dear Judge Roberts:

I am responding to your letter of February 25, 1985, to Administrator Lee M. Thomas which discussed the 1982 air quality management plan for Boone, Kenton, and Campbell Counties. As you indicated, EPA proposed to disapprove this State implementation plan (SIP) on July 25, 1984.

The Agency appreciates the substantive comments that you and your colleagues made subsequent to this proposed rulemaking. These and all other comments were reviewed by EPA Headquarters staff both here and in Washington, D.C., and by EPA Regional Offices in Chicago and Atlanta. These comments were thoroughly evaluated in the preparation of the final rulemaking which is now undergoing Agency review.

The notice will indicate that the present attainment demonstration is not acceptable and the State of Kentucky will be asked to submit a new plan. This new plan must meet the requirements for ozone extension areas. These requirements are outlined in the January 22, 1981, Federal Register (46 FR 7182) and, among other things, include the expeditious implementation of a motor vehicle inspection and maintenance program. This decision is consistent with what has been required in other metropolitan areas with similar ozone air quality problems.

You raised the question of discarding or at least not considering at this time the 1983 air quality data. This question has been raised elsewhere and EPA has consistently held that all data should be considered. Additionally, we have reviewed the information submitted to us regarding the character of meteorological conditions in 1983. Several commenters suggested that the summer of 1983 may have been hotter and drier than normal, but this does not necessarily lead to a determination that the combination of meteorological parameters that are conducive to ozone in excess of the national ambient air quality standards should be considered unusual. The analyses submitted to date do not present a sufficient basis to make such a case. Additionally, it is our opinion that the basic character of 1983 would not lead us to a different decision regarding the nonattainment status of the area. EPA will review any additional analyses that the State may wish to perform but the development or implementation of a revised SIP should not be delayed pending completion of those analyses.

I hope this answers your concerns on these issues. I appreciate your interest in the air quality problems in your area and look forward to working with you on them.

Sincerely,

/S\

Gerald A. Emison
Director
Office of Air Quality Planning
and Standards

PN 107-83-04-21-008

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D C 20460

APR 21 1983

OFFICE OF
AIR, NOISE, AND RADIATION

MEMORANDUM

SUBJECT: Section 107 Designation Policy Summary

FROM: Sheldon Meyers, Director
Office of Air Quality Planning and Standards (ANR-443)

TO: Director, Air and Waste Management Division
Regions II-IV, VI-VIII, X

Director, Air Management Division
Regions I, V, IX

On February 3, 1983, the Agency published a Federal Register notice regarding the status of all areas designated nonattainment under Part D of the Clean Air Act. This notice indicated that for a significant number of nonattainment areas States are anticipated to be able to demonstrate attainment of the primary national ambient air quality standards. Accordingly, for those areas, States have been encouraged to update their Section 107 designations. In addition, a number of nonattainment areas were identified in the February 3, 1983, notice as "unlikely to attain standards." The Federal Register also stated that the basic existing policy will generally be continued for redesignation. This memorandum summarizes and clarifies existing policy for reviewing designations and provides new guidance on processing these actions.

Policy For Reviewing 107 Designations

1. Data: In general, all available information relative to the attainment status of the area should be reviewed. These data should include the most recent eight (8) consecutive quarters of quality assured, representative ambient air quality data plus evidence of an implemented control strategy that EPA had fully approved. Supplemental information, including air quality modeling emissions data, etc., should be used to determine if the monitoring data accurately characterize the worst case air quality in the area. Also, the following items can be considered in special situations.

An attainment designation can be made using only the most recent four (4) quarters of ambient data if an acceptable state of the art modeling analysis (such as city-specific EKMA for ozone) is provided showing that the basic SIP strategy is sound and that actual, enforceable emission reductions are responsible for the recent air quality improvement.

For nonattainment designations which were originally based solely on modeling, redesignation to attainment is possible even if less than four (4) quarters of ambient data are available provided that a reference modeling analysis considering the sources' legal emission limits shows attainment of the standards. Information must also be presented showing that the sources causing the problem are in compliance with the enforceable SIP measures.

Although the current ozone standard implies the need for three years of data for attainment designations, two years of data with no exceedances is an acceptable surrogate. As discussed previously, this should be accompanied by evidence of an implemented control strategy that EPA had fully approved.

2. Projected Future Violations: Projections of future violations can provide the basis for continuing nonattainment designations. This concept is particularly important because of the current economic downturn. Information submitted to support attainment redesignations must adequately and accurately reflect anticipated operating rates. Areas should remain nonattainment where such projections reveal air quality violations.

3. Modeling: In most SO_2 cases, monitoring data alone will not be sufficient for areas dominated by point sources. A small number of ambient monitors usually is not representative of the air quality for the entire area. Dispersion modeling employing the legally enforceable SO_2 SIP limits will generally be necessary to evaluate comprehensively the sources' impacts as well as to identify the areas of highest concentrations. If either the modeling or monitoring indicates that SO_2 air quality standards are being violated, the area should remain nonattainment.

4. Boundaries: Current policies on appropriate boundaries for designation of nonattainment areas by EPA remain in effect, i.e., generally political boundaries such as city or county for TSP and SO_2, county as a minimum for rural ozone, entire urbanized area and fringe areas of development for urban ozone, and urban core area for CO. When States redesignate, EPA will continue to accept reasonable boundaries which are supported by appropriate data, such as specific new monitoring and/or modeling data or evidence of improvement due to control strategy implementation. Nonattainment areas for ozone should include the significant VOC sources.

5. Dispersion Techniques: Areas which are projected to attain the TSP or SO_2 standards because of the use of unauthorized dispersion techniques should continue to be designated as nonattainment.

Policy for Processing 107 Redesignations

1. SIP Review Actions: Section 107 designations have generally been classified as minor actions, with only a few of the more significant ones being processed as moderate. In the future, redesignations of Tier II nonattainment areas should be classified as major actions so that they can receive a comprehensive review to help ensure regional consistency. Redesignation of Tier I nonattainment areas should continue to be handled as minor or moderate actions, as appropriate.

2. "Unclassifiable" Areas: Since EPA and the States have had nearly five years to resolve discrepancies for nonattainment designations, it is now inappropriate to redesignate any area from nonattainment to unclassifiable. There has been ample time since the first designations were made in 1978 to thoroughly study each nonattainment area. Sufficient data should now exist to either make a redesignation to attainment or to keep the nonattainment designation.

If you have any questions, please contact Tom Helms at (FTS) 629-5526.

cc: Regional Administrator, Regions I-X
Chief, Air Programs Branch, Regions I-X

PN 107-82-09-16-007

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 16 1982

OFFICE OF
AIR, NOISE, AND RADIATION

MEMORANDUM

SUBJECT: Milwaukee SO_2 Nonattainment Designation

FROM: Sheldon Meyers, Director
Office of Air Quality Planning and Standards (ANR-443)

TO: David Kee, Director
Air Management Division, Region V

Thank you for your August 9, 1982, memorandum to Assistant Administrator Bennett regarding Wisconsin's request for a redesignation to attainment of the sulfur dioxide (SO_2) standard for the Milwaukee area.

You asked four (4) separate questions in your memo. Those questions are repeated in full below along with my responses.

Q) In nonattainment areas with no emission limits, what is required to support a redesignation to attainment? (It does not appear to be sufficient to accept eight quarters of data showing no violations, even if the monitors were located in the expected high concentration areas.)

A) The fact that no Federally enforceable emission limits are in place does not affect the criteria applied in determining the area's attainment status. In general, Section 107 designation changes should utilize all available data, including both monitoring and modeling data. Whatever is available should certainly be used. Monitoring data should be used only within the limits of being representative for a specific geographic area. The object of any designation should be to make the best decision based upon the maximum amount of available information.

Q) What is the role of modeling in redesignations?

A) The need for dispersion modeling for Section 107 designation purposes is especially important when dealing with areas dominated by point sources of SO_2. In these cases, a small number of ambient air

quality monitors will not be able to tell the whole story. Modeling is essential to evaluate comprehensively and thoroughly the sources' impacts as well as identify the areas of highest concentrations. It must be included in a redesignation analysis where feasible.

For all other areas, if modeling already exists, it should be considered. However, dispersion modeling is generally not required to be performed strictly for the purposes of Section 107 redesignation requests for such areas.

Q) Is a redesignation to attainment acceptable if there are eight quarters of monitored data showing no violations but there is modeling that predicts violations? (Note, this is not to say that the modeling contradicts the monitoring since the modeling shows attainment at the monitor locations, but nonattainment at other, nonmonitored locations.)

A) There is no answer that fits all possible situations. However, where valid dispersion modeling has been performed, such modeling results should set the designation status. When the appropriateness of the model is of some concern, Regional Offices must exercise judgment after considering such things as how many monitors are in the network; is complex terrain (terrain greater than stack height) involved; what model is being used; is it a guideline model, if not, has it been demonstrated to be appropriate; does the model tend to over- or under-predict for the situation at hand?

Again, it should be emphasized that the objective is to make the best determination possible using all relevant information as to what the attainment status of an area really is.

Q) Mr. Barber's letter says that adequate monitored data are necessary. How is "adequate" defined? (We suggest that a determination of adequate monitoring data involve reference modeling. That is, monitors must be located in the areas of expected high concentrations, based on a reference modeling analysis.)

A) Your suggestion is what ideally should be required. However, monitors are seldom sited at the locations shown by later dispersion modeling to be those of maximum impact.

Again, the responsibility lies with the Regional Office to make the necessary judgments as to whether or not the existing monitor locations are sufficient both in number and spatial arrangement to allow them to be representative of the air quality for the area. Some judgment as to whether the potential problem is of a localized or more general areawide nature should be made. This judgment will influence whether modeling or monitoring should be given preference in the particular situation in question. How much information is needed before such a judgment can be made is subject to the complexity of the situation.

I would like to add the following comments regarding the particular situation in Milwaukee, Wisconsin, as described in the background portion of your August 9, 1982, memo.

In a situation where an area was originally designated nonattainment based on measured violations but subsequently has air quality measurements less than the ambient air quality standard, common sense would recognize the need for a study of the situation, including modeling. It could not reasonably be expected that violations would disappear by themselves. If a source has voluntarily made some emission reduction changes that eliminate violations, these changes need to be embodied into regulation and then be made part of the approved State Implementation Plan (SIP) control strategy. The approval of such emission limits as part of a SIP must be based on an adequate demonstration that ambient air quality standards will be protected. Such a demonstration must include a dispersion modeling analysis under worst case conditions.

If you have any other questions, please let me know.

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 110
(VOLUME 1)

** CLEAN AIR ACT SECTION 110

* PN110-78-02-24-002
CRITERIA FOR APPROVAL OF 1979 SIP REVISIONS

* PN110-78-03-24-003
PLANS UNDER SECTION 111D OF THE CLEAN AIR ACT

* PN110-78-07-17-007
INSPECTION/MAINTENANCE POLICY

* PN110-79-04-04-015
GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF STATE IMPLEMENTATION PLAN REVISIONS FOR NONATTAINMENT AREAS (FR CITATION)

* PN110-79-06-14-016
LEAD SIPS

* PN110-79-07-02-017
GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - SUPPLEMENT (ON PUBLIC COMMENT AND CONDITIONAL APPROVAL)

* PN110-79-09-17-020
GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - (SUPPLEMENT ON CONTROL TECHNIQUES GUIDELINES) (FR CITATION)

* PN110-79-11-21-023
MINIMUM NUMBER OF SAMPLES FOR DETERMINING QUARTERLY AVERAGE LEAD CONCENTRATION

* PN110-80-01-10-023A
ALTERNATE PROCEDURE FOR SECTION 110(F) RELIEF IN LOCALIZED, SHORT TERM ENERGY EMERGENCIES

* PN110-80-03-10-030
EMISSION OFFSET REQUIREMENTS IN SECONDARY STANDARD TOTAL SUSPENDED PARTICULATE PLANS

* PN110-80-04-08-032
NEW SOURCE REVIEW REQUIREMENTS FOR LEAD

* PN110-80-05-09-034A
CLARIFICATION OF REQUIREMENTS FOR INCLUSION OF CONTINUOUS EMISSION MONITORING PROVISIONS IN STATE IMPLEMENTATION PLANS

* PN110-80-07-31-039
APPLICABILITY OF VOC CONTROL TECHNIQUE GUIDELINES (CTGS) TO THE AUTOMOBILE MANUFACTURING INDUSTRY

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 110
(VOLUME 1)

* PN110-80-08-04-040
APPLICABILITY OF PAPER COATING, FABRIC COATING, AND GRAPHIC ARTS CTGS

* PN110-80-08-08-041
THE BUBBLE POLICY AND STATE IMPLEMENTATION PLANS UNDER CLEAN AIR ACT SECTION 111D

* PN110-80-09-25-043
INCORPORATION BY REFERENCE OF SIP REVISIONS

* PN110-80-10-23-044
GROWTH RESTRICTIONS IN SECONDARY NAAQS NONATTAINMENT AREAS

* PN110-81-07-22-052
EXPERIMENTAL STATE IMPLEMENTATION PLAN (SIP) PROCESSING TECHNIQUES

* PN110-81-11-09-055
NEW PROCEDURES FOR REVIEW OF STATE IMPLEMENTATION PLANS

* PN110-82-06-23-059
REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF STATE IMPLEMENTATION PLANS-NEW SIP PROCESSING PROCEDURES TO SAVE TIME AND RESOURCES (FR CITATION)

* PN110-82-08-11-060
REVIEW OF 1982 OZONE AND CO SIPS

* PN110-82-11-24-061
SIP ACTIONS AND TOXIC POLLUTANTS

* PN110-83-03-18-063
LETTER TO HARRY H. HOVEY RE EPA POLICY WITH REGARD TO AMBIENT AIR

* PN110-83-05-27-064
SUMMARY OF NAAQS INTERPRETATION

* PN110-77-07-08-065
(CITATION OF FR NOTICE ENTITLED "RECOMMENDED POLICY ON CONTROL OF VOLATILE ORGANIC COMPOUNDS")

* PN110-79-06-18-066
REQUIREMENTS FOR PREPARATION, ADOPTION AND SUBMITTAL OF IMPLEMENTATI
PLANS: INTERGOVERNMENTAL CONSULTATION (FR CITATION)

* PN110-80-07-22-067
(CITATION OF FR NOTICE ON SOLVENT REACTIVITIES)

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 110
(VOLUME 1)

* PN110-83-05-26-068
DEFINITION OF AMBIENT AIR FOR LEAD

* PN110-84-11-28-069
CORRECTING ATMOSPHERIC DISPERSION MODEL RESULTS TO STANDARD TEMPERATURE AND PRESSURE

* PN110-85-01-02-070
REGIONAL IMPLEMENTATION OF MODELING GUIDANCE

* PN110-85-08-27-071
CLASSIFICATION OF BENZENE AS A VOC

* PN110-85-12-16-072
BASELINE TIME PERIODS FOR VOC TRANSFER EFFICIENCY CREDITS

* PN110-83-03-14-087
ISSUES ON LEAD SIPS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE 14 MAR 1983

SUBJECT Issues on Lead SIP's PN 110-83-03-14-087

FROM G. T. Helms, Chief
Control Programs Operations Branch (MD-15)

TO Conrad Simon, Director
Air and Waste Management Division, Region II

Thank you for your memorandum of January 11, and Bill Baker's memorandum of February 9, 1983, on the status of lead SIP's in your Region. In those memorandums, you also raised several issues to which I would like to respond.

° Attainment and maintenance--In response to a petition by three primary lead smelters in Missouri, EPA is expected shortly to propose to revise EPA's policy on the interpretation of an attainment date. Under that expected change, an attainment date for a criteria pollutant (other than those covered by Title I, Part D, of the Clean Air Act) would be three years from the date EPA actually approves (or promulgates) a SIP for that pollutant. Thus the "record date" (i.e., the date of EPA approval) for each SIP would be different. While States are projecting their emissions, they will not know in advance the date of EPA approval. Therefore, they will have to estimate their date of submission to EPA and then add seven months to allow for EPA processing time (under the "5-2/5-2" system for processing Federal Register notices). Adding three years beyond that will yield the estimated attainment date. While the revised policy on attainment dates is still technically under development, other States are assuming that the policy will eventually be issued and are basing their attainment dates on the anticipated policy. In one such case--Pennsylvania--EPA will propose to take no action on the attainment date until EPA's policy is issued. When the revised policy is issued, EPA would then approve the attainment date specified in the plan.

° Summary of Pb air quality data since January 1974--We agree that only air quality data collected since January 1, 1978, need be submitted with SIP's now being developed. We believe, however, that considering only the last two years of data in developing a control strategy may be misleading. For instance, low levels of production at major stationary sources during the last two years of economic stagnation may have resulted in failure to identify an ambient lead problem that would exist if the sources were to increase production. Therefore, as a compromise, we recommend: (a) considering the last three years of air quality data (1980, 1981, and 1982) in control strategy development if sources in the analysis area were operating close to capacity or if there are no significant stationary sources, and (b) considering air quality back to January 1, 1978, where the sources were not operating close to capacity. Since these recommendations conflict with the letter of the regulation, we will have to check with OGC on how to implement these recommendations legally.

° Reentrained dust from paved roadways--You have been asked whether this area source is being double counted, since emissions from the tailpipe are already being considered. It is true that tailpipe emissions contribute to local ambient air concentrations of lead before the lead particles settle out. Once the particles settle out on highway pavement, however, vehicular traffic will cause them to be resuspended in the air. The emission factors for tailpipe emissions were developed based on actual measurements of lead emissions from tailpipes of automobiles. Thus, these emissions would exist even if resuspension did not occur. On the other hand, the emission factor for reentrained dust was based on tests in which ambient concentrations were measured upwind and downwind of roadways; dispersion models were "run backwards" to back-calculate emissions that would cause the measured concentrations; the estimated emissions were then reduced by the calculated tailpipe emissions to yield the reentrained fraction. The reentrained fraction is partially dependent on the tailpipe emissions, however; as tailpipe emissions diminish over time as a result of decreased lead in gasoline, the amount of lead particles that settle out on highway pavement--and any resulting emissions from their resuspension--will also decline. In summary, inclusion of reentrained lead dust from roadways in the lead emission inventory is not "double counting."

You also noted that a State might not include reentrained road dust as a line item in the emission inventory even though it may consider this as an area source when modeling. This practice appears acceptable.

° Air quality dispersion modeling--You indicated that current modeling techniques would have to be modified if States had to determine the impact of emissions from a combination of line, area, and point sources of lead. This is not necessarily so. There are several cases that may occur:

1. Isolated point source with a few roads nearby and fugitive area sources on plant property. Currently, the Industrial Source Complex (ISC) model will handle this configuration (point, line, and area). A background lead air quality concentration would have to be considered. EPA's Guideline on Air Quality Models (EPA-450/2-78-027), pp. 34-37, provides techniques for estimating background concentrations.

2. Point source in the middle of a substantial road network. In this situation, it is better to consider the lead concentrations that result from the road network as background and model the source and any nearby major roadways separately using the ISC. Two cases come to mind in applying the Guideline's techniques for estimating background:

a. If air quality data are available that are representative of the roadway network in the vicinity of the plant, but not influenced by emissions from that plant, those data can be used as the baseline background concentration.

b. If air quality data representative of the roadway network in the vicinity of the plant are not available, the agency should obtain data that are representative of a similar roadway network that is located elsewhere and also not influenced by lead point sources. The agency should use those data as the baseline background concentrations.

In either (a) or (b), the baseline background concentration must be proportionately reduced to account for the reduction of mobile source lead emissions over the period ending with the attainment date.

3. Several nearby point sources--Page 35 of the Guideline on Air Quality Models states that the "impact of nearby sources must be summed for locations where interactions between the effluents of the point source under consideration and those of nearby sources can occur."

In summary, we do not see the need for modified models to account for the above situations since the ISC and the modeling Guideline appear to address them.

° Calculation of grams per mile of lead emissions from mobile sources--You indicated that States need information regarding the effects of the recent changes in the Federal regulation of lead in gasoline and changes in projected vehicle mix that have taken place since 1979. We recently have asked the Office of Mobile Source Air Pollution Control to revise the methodology for projecting mobile source lead emissions in light of the recent regulation and other information. This information will be forwarded to the Regional Offices when it is available, which will probably be around April. Until that guidance is issued, States can use the former method for projecting mobile source emissions of lead (which will likely over-predict emissions) or develop their own methods to account for the recent changes.

° Transporation control strategy development--You indicated that States need additional information on the effectiveness of various transportation control measures if mobile sources must be considered in the development of a control strategy. We anticipate that mobile source lead emissions will not contribute significantly to any violation of the national ambient air quality standard for lead anywhere in the United States because of the Federal requirement for reducing lead in gasoline and the other Federal programs that result in reduced automotive lead emissions. If, however, an area must institute a transportation control strategy for attainment of another criteria pollutant (e.g., carbon monoxide or ozone), credit for reduced vehicle miles traveled that result from that control strategy can and should be taken into consideration in calculating mobile source lead emissions. Note, however, that an increase in the average vehicle speed as a result of that control strategy will work to increase mobile source lead emissions.

° Lead point source definition for significant sources--Your interpretat is correct--analysis and dispersion modeling are required for the "signific source categories listed in 40 CFR 51.80 and 51.84 only if their actual emissions of lead equal or exceed five tons per year.

° Statewide inventory development--Your analysis is correct--we would not recommend disapproval of a lead SIP for failure to provide a statewide emission inventory, despite my memorandum of June 14, 1979, to the Regional Air Branch Chiefs.

I trust that this memorandum replies to your issues satisfactorily. Because these issues and our replies are of general interest to the other Regional Offices, I am sending copies of this memorandum to them.

cc: Air and Waste Management Division Director, Regions I, III-X
Lead Contacts, Regions I-X
W. Baker
J. Calcagni
J. Sableski
J. Silvasi
J. Ulfelder
R. Wilson

PN 110-85-12-16-072

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

DEC 16 1985

MEMORANDUM

SUBJECT: Baseline Time Periods for VOC Transfer Efficiency Credits

FROM: G. T. Helms, Chief
Control Programs Operations Branch (MD-15)

TO: Thomas J. Maslany, Chief
Air Enforcement Branch, Region III

This is in response to your recent request for assistance and guidance concerning the setting of a baseline time period for the State to determine an industry norm (for the miscellaneous metal source category concerned) for volatile organic compound (VOC) transfer efficiency credit.

As you are aware, at the time the control technique guideline documents were issued, emission reductions due to transfer efficiency were not considered as a credit. The main consideration at that time was that source categories would apply control technology (low solvent technology or conventional add-on controls) that was reasonably available.

In view of this, it is our opinion that the baseline time period for determining transfer efficiency credit be established as the date the State adopted the regulation.

Any transfer efficiency credit should relate to improvements in transfer efficiency beyond the industry/category norm appropriate for the subject source made subsequent to the date noted above. Transfer efficiency credit would only be allowed to the extent that reductions in emissions beyond reasonably available control technology were achieved.

Requests for transfer efficiency credit must be submitted as State implementation plan revisions.

Should you have any questions, please contact me (FTS 629-5526).

cc: R. Campbell, OAQPS
R. Ossias, OGC
D. Tyler, CPDD
Chief, Air Branch, Regions I-X
VOC Regulatory Contacts, Regions I-X
VOC Enforcement Contacts, Regions I-X

PN 110-85-08-27-071

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

AUG 27 1985

MEMORANDUM

SUBJECT: Classification of Benzene as a VOC

FROM: Darryl D. Tyler, Director
Control Programs Development Division (MD-15)

TO: Chief, Air Branch, Regions I-X

Several Regions have inquired as to the classification of benzene as a volatile organic compound (VOC). This memorandum is intended to reiterate (see memorandum from Walter C. Barber, Director, Office of Air Quality Planning and Standards, to Stephen Wassersug, Director, Air and Hazardous Materials Division, Region III, dated July 8, 1980) the Agency's position with regard to exemption of this organic compound from control as a VOC in an ozone nonattainment State implementation plan.

Benzene has been indicated as having only negligible photochemical reactivity (see "Recommended Policy on Control of Volatile Organic Compounds," 42 FR 35314, dated July 8, 1977). However, under Section 112 of the Clean Air Act, EPA has officially listed benzene as a hazardous pollutant (see 42 FR 29332, dated June 8, 1977). Therefore, any exemption of this compound should be discouraged because of the associated air toxics implications. Exempting toxic compounds such as this or encouraging solvent substitutions involving toxic air pollutants does not represent sound environmental policy.

We recommend that you adhere to the July 8, 1977, policy on the control of volatile organic compounds and only exempt those compounds that have been specifically exempted either in the recommended policy or by listing in the Federal Register.

Should you have any questions concerning this memorandum, please contact Tom Helms, Control Programs Development Division (FTS 629-5526).

Attachments

cc: R. Campbell
G. Emison
B. J. Steigerwald
VOC Contact, Regions I-X

NOTE: Attachments not included in the Policy and Guidance Notebook.

PN 110-85-01-02-070

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

January 2, 1985

MEMORANDUM

SUBJECT: Regional Implementation of Modeling Guidance

FROM: Joseph A. Tikvart, Chief J. Tikvart
Source Receptor Analysis Branch, MDAD (MD-14)

TO: Regional Modeling Contact, Regions I-X

Attached for your use is information on the implementation of modeling guidance. Attachment 1 is an excerpt of a memorandum from J. Wilburn to D. Tyler (dated November 13, 1984) which identifies several issues. Attachment 2 provides our response to these issues.

It is our intent that the response merely reiterate the way in which we understand modeling guidance to be routinely implemented by all Regional Offices. However, having formalized that understanding, we believe that its circulation is desirable. If you have any questions, please call me.

Attachments

cc: Chief, Air Programs Branch, Regions, I-X
B. Turner
✓ D. Wilson

Attachment 1

(Excerpt of Memorandum from J. Wilburn to D. Tyler, Dated November 13, 1984)

As discussed in this memo, we are quite concerned as to our credibility regarding the development and approval of SIP revisions and bubbles which consider complicated and involved modeling. While our Armco experience may be viewed by some as atypical, we feel that the problem is real enough to the point that we request guidance on the following three questions:

1. When do changes in EPA modeling procedures become official Agency policy? Do such forms as informal modeling protocols and consensus opinions developed at meteorologist meetings and workshops constitute official Agency policy? If so, how is management at the regional division and branch level informed of those decisions (i.e., are such decisions communicated by policy memorandum or must regional management be dependent upon regional participants at such meetings and workshops to accurately convey OAQPS's policy decisions)?

2. How do changes in Agency modeling policy affect in progress modeling analyses? Do policy changes in modeling procedures invalidate modeling protocols which accurately reflected modeling policy at the initiation of ongoing modeling analyses? If so, we would appreciate copies of all policy memorandums which communicated such policies.

3. Will it be necessary in order for Armco's bubble application to be concurred with by OAQPS, for Region IV to require Armco to submit a fourth revision to their modeling procedures which would provide an analysis of the 46 days with more than 6 hours of calm which have thus far been deleted for the submittal pursuant to the original protocol? If so, we would like an explanation of the rationale for this requirement in light of our discussion in this memo.

Attachment 2

(Excerpt of Memorandum from R. Rhoads to J. Wilburn, Dated December 24, 1984)

Regarding your first question: Changes in EPA modeling procedures become official Agency guidance when (1) they are published as regulations or guidelines, (2) they are formally transmitted as guidance to Regional Office managers, (3) they are formally transmitted to Regional Modeling Contacts as the result of a Regional consensus on technical issues, or (4) they are a result of decisions by the Model Clearinghouse that effectively set a national precedent. In the last case, such issues and decisions are routinely forwarded to all of the Regional Modeling Contacts. In order for this system to work, the Regional Modeling Contacts must be actively involved in all Regional modeling issues and they must be consulted on modeling guidance as necessary by other Regional personnel.

Regarding your second question: The time at which changes in modeling guidance affect on-going modeling analyses is a function of the type of agreement under which those analyses are being conducted. On-going analyses should normally be "grandfathered" if (1) there is a written protocol with a legal or regulatory basis (such as the Lovett Power Plant) or (2) the analysis is complete and regulatory action is imminent or underway. If the analysis is based on a less formal agreement and is underway, the Regional Office should inform the source operators of the change and determine whether the change can be implemented without serious disruption to the analysis. If for some reason any previous analysis must be redone, then it should be redone in accordance with current modeling guidance. In any event, consequences of failing to implement current guidance should be discussed with the OAQPS staff (Helms/Tikvart) to ensure that inappropriate commitments are not made by the Regional Office.

Regarding your third question: As previously discussed with your staff, the recent Armco modeling analysis is technically inadequate and not approvable so long as the approximately 46 days with calms are ignored. At the time the original protocol was developed, the deletion of calms was common practice because we had no consensus on technically valid procedures for addressing calms. However, (largely due to the assistance of RO IV staff in developing a technical solution to the calms issue) this practice was discontinued by consensus of the Regional Modeling Contacts who recommended immediate implementation of the new procedures (see Joe Tikvart's June 13, 1983, memo to Regional Modeling Contacts). The subsequent Armco analysis which ignored calms was, therefore, deficient since there is no rationale for "grandfathering" an analysis which was initiated after the new calms guidance was disseminated. This issue is no longer an issue since Armco has already submitted a reanalysis that addresses the calms issue.

PN 110-84-11-28-069

November 28, 1984

MEMORANDUM

SUBJECT: Correcting Atmospheric Dispersion Model Results to Standard Temperature and Pressure

FROM: Richard G. Rhoads, Director
Monitoring and Data Analysis Division (MD-14)

TO: Robert L. Duprey, Director
Air and Waste Management Division, Region VIII (8AW-AP)

We have considered your request on whether atmospheric dispersion model estimates should be corrected to standard temperature and pressure conditions (STP). Given the manner in which the SO_2 ambient air quality standards are written, and to be consistent with the handling of monitoring data, it could be reasoned that the correction of model estimates to STP should be made.

From a historical standpoint, we can find no indication from our records that we have provided written guidance on correcting model estimates to STP. To provide additional background information, we contacted all the other Regional Offices to find out what their current policies are. In most cases the possible need to correct to STP has not arisen and in no case has a correction been made, other than possibly in your Region.

Considering the historical precedent and how other Regions are handling the STP issue I do not believe it is wise to institute a new nationwide policy at this time. However, if a State wishes to make the STP correction, I would have no objection, since they have the right to be more stringent than EPA.

If you have any questions please contact me.

cc: T. Helms
R. Neligan
M. Trutna
bcc: Regional Modeling Contacts, Regions I-X

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY PN 110-83-05-26-068

DATE 26 MAY 1983

SUBJECT Definition of Ambient Air for Lead

FROM Darryl D. Tyler, Director
Control Programs Development Division (MD-15)

TO Allyn Davis, Director
Air & Waste Management Division, Region VI

This is in response to your memorandum of May 23, 1983, to Sheldon Meyers. In that memorandum, you indicated that the Texas Air Control Board (TACB) believes that an ambient lead monitor in El Paso is not located in the ambient air, and therefore the data from that monitor should not be used to develop a control strategy for lead.

The monitor is located at the International Boundary Water Commission's (IBWC) property, about 1000 feet from the edge of the property of ASARCO's primary lead smelter. TACB believes that the monitor is not in the ambient air because public exposure at the IBWC property would at most be only daily for a period of not more than eight hours, and therefore no one person is expected to be at the IBWC site continuously for a full three months, the exposure time inherent in the lead standard.

TACB's logic runs counter to EPA's policy on ambient air. In 40 CFR 50.1(e), ambient air includes "that portion of the atmosphere, external to buildings, to which the general public has access." That definition does not account for any time limitation or averaging time. Regardless of whether any member of the public is expected to remain at a particular place for a specific period of time, ambient air is defined in terms of public access, not frequency of access, length of stay, age of the person or other limitations. The only exemption in EPA policy to compliance with the provisions of ambient air is for the atmosphere over land owned or controlled by the source and to which public access is precluded by a fence or other physical barriers. Since ASARCO does not own the site of the IBWC monitor, it clearly falls within our definition of ambient air.

Furthermore, any monitor can give only an estimate of the actual maximum concentration of a pollutant in the vicinity of the monitor. There may actually be higher concentrations of lead in the area between ASARCO's boundary and the IBWC monitor, such as on the highway that runs between the ASARCO smelter property and the IBWC property. The general public may have more frequent or longer access to this location than to the IBWC property itself. Therefore, the fact that the general public may not be expected to remain at the IBWC site itself continuously for three months is no reason to disallow the use of the monitor's data for developing a control strategy.

Please feel free to call me or G. T. Helms in this Division if you have any further questions on this matter.

cc: J. Calcagni
J. Divita
K. Greer
T. Helms
J. Silvasi
D. Stonefield
J. Ulfelder

In order to conserve space, the Federal Register notice entitled:

Air Quality; Clarification of Agency Policy Concerning Ozone SIP Revisions and Solvent Reactivities (45 FR 48941)

is not included in the Air Programs Policy and Guidance Notebook. Please refer to this notice for EPA policy/guidance related to this subject.

In order to conserve space, the Federal Register notice entitled:

> Requirements for Preparation, Adoption, and Submittal of Implementation Plans; Intergovernmental Consultation (44 FR 35176, June 18, 1979)

is not included in the Air Programs Policy and Guidance Notebook. Please refer to this notice for EPA policy/guidance related to this subject.

In order to conserve space, the Federal Register notice entitled:

Recommended Policy on Control of Volatile Organic Compounds (42 FR 35314, July 8, 1977)

is not included in the Air Programs Policy and Guidance Notebook. Please refer to this notice for EPA policy/guidance related to this subject.

PN 110-79-09-17-020

In order to conserve space, the Federal Register notice entitled:

> State Implementation Plans, General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas--Supplement (on Control Techniques Guidelines) (44 FR 53761, September 17, 1979)

is not included in the Air Programs Policy and Guidance Notebook. Please refer to this notice for EPA policy/guidance related to this subject.

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 111D
UPDATE NUMBER 8
(VOLUME 1)

** CLEAN AIR ACT SECTION 111D

* DOCUMENT NUMBER: PN111D-81-09-14-001
EPA POLICY ON WELFARE-RELATED POLLUTANTS UNDER SECTION 111D

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

MAY 27 1983

MEMORANDUM

SUBJECT: Summary of NAAQS Interpretation

FROM: Richard G. Rhoads, Director
Monitoring and Data Analysis Division (MD-14)

TO: Gary L. O'Neal, Director
Environmental Services Division, Region X

In response to your May 10, 1983 request, I have summarized our current guidance with respect to the data analysis aspects involved in the interpretation of the NAAQS. As you noted, several of the NAAQS are being reviewed and it is our intention to ensure that all revised standards be structured to minimize the ambiguities associated with data handling conventions. However, until this is done, I understand your concern in resolving these issues in order to meet immediate program needs. Therefore I have attempted to respond to the specific questions that you raised and to indicate the current status of our guidance. The two guideline documents that provide most of the supporting material are (1) "Guidelines for the Interpretation of Air Quality Standards," OAQPS No. 1.2-008, which was originally issued in 1974 and then revised in 1977 and (2) "Guideline for the Interpretation of Ozone Air Quality Standards," OAQPS No. 1.2-108, which was issued in 1979 with the promulgation of the ozone NAAQS. These two documents provide answers for the majority of questions and, when these are applicable, the discussion is relatively brief. For questions not addressed in these documents, or where a policy memorandum was issued to supersede this guidance, a more detailed discussion is included.

Data Handling Conventions

Many of the problems that arise with respect to the data handling conventions are a result of the fact that the initial NAAQS, promulgated in 1971, indicated a ug/m^3 (or mg/m^3) concentration level and a parenthetical ppm concentration level that was not an exact equivalent. To ensure that an attainment decision did not vary simply because of the measurement units involved, our initial 1974 guidance was that the ug/m^3 (or mg/m^3) concentration level took precedence and that the parenthetical ppm value should be viewed as an approximate guide which may need to be modified to ensure equivalence. The 1974 guidance also stated the principle of "... letting

the standard itself dictate the number of significant figures to be used in comparisons..." For the NAAQS promulgated in 1971, this meant that the comparisons with the standard were to be made in terms of integer values of ug/m^3 (or mg/m^3) and it was stated that fractional parts of 0.5 were to be rounded up. Extending this same approach to the lead standard, the standard level of 1.5 ug/m^3 would mean that comparisons were to be made to one decimal place and, in terms of the rounding convention, 1.55 ug/m^3 would round up to 1.6 ug/m^3.

The ozone NAAQS was promulgated in 1979 and in this case the ppm value of the level, 0.12 ppm, was stated first because we felt this was more consistent with the way the data are actually measured. The associated guideline for the ozone standard stated that "... 0.125 ppm is the smallest concentration value in excess of the level of the standard." In effect, the same principles for significant figures and rounding still apply but the ppm value takes precedence for ozone. Although we anticipate that in all of the revised NAAQS for the gaseous pollutants the ppm value would be stated first, at the present time ozone is the only case where the ppm value takes precedence when determining exceedances.

Basically, these data handling conventions adequately define how we determine exceedances. When calculations are done in measurement units other than the one that takes precedence in the NAAQS, then the equivalent level of the standard should be selected to ensure that the results will be consistent. For example, a daily maximum ozone value of 236 ug/m^3 would not be counted as an exceedance of the ozone NAAQS because it is less than 0.125 ppm. The appropriate conversion factors between ppm and ug/m^3 are 2620 for SO_2 and 1880 for NO_2. To convert ppm CO values to mg/m^3, the factor is 1.15 and to convert ug/m^3 to ppm for ozone the factor is 0.00051.

The other issue which affects exceedance counts is whether running or block averages are used for CO and SO_2. The use of running 8-hour averages for CO has generally been accepted with the convention that a violation requires two non-overlapping 8-hour averages above the level of the standard. Both the counting procedure and the determination of the second highest non-overlapping value are documented in the 1977 guidance (or the earlier 1974 version).

In contrast to the general agreement for CO, there has been considerable discussion on the use of running averages for SO_2. In 1981, the D.C. Circuit Court remanded to EPA the record of Ambient Air Quality Monitoring and Data Reporting Regulations, 40 CFR 58, dealing with the 24-hour NAAQS for SO_2. In effect, this invalidated the portion of the monitoring regulations requiring States to report ambient SO_2 data to EPA as running averages. In a December 24, 1981 memorandum to the Regional Offices, Kathleen Bennett, then Assistant Administrator for Air, Noise, and Radiation, indicated that because the SO_2 NAAQS was under review she had decided to defer any further rulemaking dealing with the reporting of ambient SO_2 levels although this would "... leave the States without any legal duty to submit 24-hour running averages in the annual State and Local Air Monitoring Stations (SLAMS) report." She also stated that "... in most

cases, we have relied on block averages and have not found it necessary to examine running average data to insure attainment and maintenance of the 24-hour NAAQS." A related memorandum from Ms. Bennett to Region V on March 24,1982 on the subject of the "Use of Running Averages for Determining Compliance with the 24-Hour Sulfur Dioxide Standard" concerned the PPG Barberton Plant in Summit County, Ohio. She stated that she would "... recommend that you base your decisions on the 24-hour standard solely on the basis of midnight-to-midnight block averages in that case and in all similar cases." This particular SIP revision is now under review and the use of running versus block averages is a key issue.

Episode Monitoring

The issues that you raise with respect to the reporting and use of accelerated/episode monitoring data for TSP are basically concerned with the appropriate use of the "extra" values obtained in addition to those resulting from the minimum sampling schedule. Our recommendations would be (1) all data collected at NAMS sites be submitted (2) for all sites, all of the data should be used for comparison with the "once per year" standards and (3) an appropriate weighting scheme can be used to compute the annual geometric mean incorporating all of the data rather than simply ignoring the "extra" days.

Because these issues are not specifically addressed in our interpretation guideline, it is probably useful to briefly comment on the rationale. If a site had data for every day of the year, then all of the data would be used to determine attainment with the "once per year" standards. Therefore, it seems reasonable to continue to use all of the data for these comparisons even when episode monitoring is involved. The real problem with the use of all of the data in such cases is in the computation of a summary statistic such as the annual geometric mean, where there is the possibility of bias because the higher days are over-represented. One possible alternative would be to compute the geometric mean by only using the once every sixth day data. While this may seem appealing initially because of its simplicity, it would be difficult to defend that ignoring actual data values is better than incorporating them by an appropriate weighting scheme. The TSP NAAQS only refers to the geometric mean and does not specify how it should be computed but, in the case of unbalanced data sets, the use of a weighting scheme seems defensible. Although episode monitoring data is not specifically addressed, our 1974 "Guidelines for the Evaluation of Air Quality Data," OAQPS No.1.2-015 does discuss the use of weighted averages for cases with unbalanced seasonality. However, that particular discussion was limited to determining the annual mean by using the quarterly means. A more general approach that would be applicable to episode monitoring data has been considered as part of the review of the particulate matter NAAQS. Basically, the entire year would be viewed as successive sets of six day periods. A geometric mean would be computed for each of these six day periods. When a six day period only contains a single data value (i.e. the normal scheduled sampling day), the geometric mean for that six day period would simply be that

single observed value. However, when the six day period contained more than one value, all of the additional values would enter into the calculation. Once the geometric mean for each of these six day periods has been determined, the annual geometric mean would be computed as if each of the six day geometric means represented a single observation.

As I indicated, this particular approach is not presented in our current guidance documents, but it is being considered as part of the particulate matter NAAQS review and does appear to be an acceptable interim solution to your question. I should note, however, that this computational scheme is not currently implemented on the National Aerometric Data Bank (NADB). At the present time, NADB programs would continue to compute the geometric mean by giving equal weight to each value. Admittedly, this can result in a bias for episode monitoring data and adjustment would be reasonable before developing or approving specific actions.

Data Completeness

The data completeness requirements for the ozone NAAQS were specifically treated in the 1979 standard and associated guideline. A daily maximum value is considered valid if at least 75 percent of the hourly values from 9:01 A.M. to 9:00 P.M. (LST) were present or if at least one hourly value was above the level of the standard. The guideline indicates that data for a year may be considered adequate if the data set is at least 75 percent complete for the peak pollution potential season. As other NAAQS are revised, we intend to incorporate this type of specific guidance. However, at the present time, the earlier standards are not explicit with respect to data completeness requirements and our recommendation can probably best be viewed as relying upon tradition and reflecting the summary criteria used on the NADB.

In general, the validity criteria for continuous measurement methods follows what could be termed the 75 percent rule, i.e., a year is valid if at least 75 percent of the hourly measurements are present. The same approach is used for computing 8-hour average CO and both 3-hour and 24-hour average SO_2. This 75 percent requirement for 3-hour SO_2 averages means that all three hourly values must be present. In all of these cases, the average is computed on the basis of the number of hourly values present. I should point out that these completeness requirements are not intended to discount obvious exceedances. For example, if only five hourly CO values are available for an 8-hour period but the 8-hour average would exceed the level of the standard even if the three missing values were set equal to one-half the minimum detectable limit, then this should be counted as an exceedance. However, this is not currently done as part of the routine NADB summaries.

The validity criteria for 24-hour data, typically resulting from intermittent sampling schedules, require at least five samples for a quarter to be considered valid and if one month has no data the remaining months must each have at least two observations. An annual statistic is considered valid

if all four quarters are valid. These requirements for the 24-hour data trace back to the old bi-weekly sampling schedules that were typically used until the early 1970's. In view of the current every six day schedules, they can certainly be viewed as minimal.

I hope that this summary will be useful to you in responding to the issues that you raised. Obviously, there are certain areas where a more definitive response would be desirable. As these earlier NAAQS are revised, we intend to incorporate the necessary guidance to minimize potential ambiguities. For example, it is relatively easy to give precise responses with respect to the ozone NAAQS because many of these details were specifically addressed when the standard was promulgated. To a large degree, this is due to the interaction that we have with the Regional Offices in helping us to identify those areas that need to be clarified to facilitate the actual implementation of the NAAQS.

cc: Director, Environmental Services Division, Regions I-VIII
Director, Office of Technical and Scientific Assistance, Region IX
Director, Air and Waste Management Division, Regions II-IV, VI-VIII, X
Director, Air Management Division, Regions I, V, IX
J. Padgett, Director, SASD
D. Tyler, Director, CPDD
E. Reich, EN-341
W. Pedersen, A-133

MAR 18 1983

Mr. Harry H. Hovey, Jr. P.E.
Director, Division of Air
New York State Dept. of
Environmental Conservation
50 Wolf Road
Albany, New York 12233

Dear Mr. Hovey:

In response to your letter of January 11, please be advised that there has been no major change in EPA policy with regard to ambient air and the associated requirements of a SIP demonstration. We have defined "ambient air" at 40 CFR §50.1(e) to include "that portion of the atmosphere, external to buildings, to which the general public has access." Our general policy is that the only exemption to compliance with the provisions of ambient air is for the atmosphere over land owned or controlled by the source and to which public access is precluded by a fence or other physical barriers.

The national ambient air quality standards are designed to protect the public health and welfare and apply to all ambient air which does include the rooftops and balconies of buildings accessible by the public. While EPA has the responsibility to develop the air quality standards, the States have the initial responsibility to implement them. In effect, the States have the prime responsibility to protect public health and welfare.

While EPA considers ambient air to include elevated building receptor sites, it is not practical to analyze the air quality at every such existing location. Therefore, both EPA and the States must exercise their best technical judgment as to when such sites must be evaluated so as to protect public health and welfare. Thus, we do not expect States, in most circumstances, to evaluate the impact on elevated building receptors. However, if the State has reason to believe that such an evaluation is necessary to protect public health and welfare, then it is incumbent upon the State to conduct such an analysis.

I appreciate your interest in this issue and am willing to discuss it further if you desire.

Sincerely yours,

Kathleen M. Bennett
Assistant Administrator
for Air, Noise, and Radiation

cc: R. Campbell
J. Schafer

PN 110-82-11-24-061

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

OFFICE OF
AIR, NOISE, AND RADIATION

NOV 24 1982

MEMORANDUM

SUBJECT: SIP Actions and Toxic Pollutants

FROM: Sheldon Meyers
Sheldon Meyers, Director
Office of Air Quality Planning and Standards

TO: David Kee, Director
Air Management Division, Region V

This is a follow-up to my July 30, 1982 memo to you regarding your recommendation that the Agency disapprove any SIP action which would result in an increase of any pollutant which the Agency is "actively considering" for designation as a hazardous air pollutant. You suggested using our current assessment list of 37 chemicals in implementing such a policy. My staff, in conjunction with the interagency group working on the proposed emissions trading policy statement, has examined your suggestion as well as other options for restricting emission trades involving potentially hazardous air pollutants. We have concluded that we should not attempt to broaden the restrictions on emission trades or other SIP actions beyond those pollutants listed under section 112 or health-based designated pollutants for which NSPS have been promulgated under section 111. Currently, only sulfuric acid mist would be in this latter category.

As a legal matter, we do not feel the Agency could sustain a SIP disapproval for a compound just because it appears on a "candidates list." While there is some evidence for concern over the compounds on our list of 37, our evaluations to date indicate that the health evidence on many will fall far short of that needed to list under section 112 or regulate under section 111/111(d). It would be equally tenuous to impose SIP restrictions on toxic compounds that are subject to regulation under other EPA programs or by other Federal agencies or to rely on determinations made by independent groups such as the American Conference of Governmental Industrial Hygienists or the International Agency for Research on Cancer. We feel that an official Agency finding of adverse health effects, according to criteria and procedures specified under the Clean Air Act, would be needed to support SIP disapprovals involving increases of toxic compounds. As you may know, the Agency attempted to restrict SIP actions involving potential toxics as part of its Recommended Policy on Control of Volatile Organic Compounds (42 FR 35314, July 8, 1977). The Agency was forced to retreat from that policy statement for lack of an adequate legal foundation.

As a policy matter, I feel your suggestion would also be contrary to the Administrator's emphasis on having a credible scientific basis, including appropriate peer review of the science, for all the Agency's regulatory actions. The assessment list of 37 compounds does not meet this test.

We feel that the most appropriate Agency position would be to recognize that SIP actions that increase emissions of certain unlisted compounds may be unwise and that the Agency should provide whatever information it has available to assist the States in making their decision in such situations. We plan to include a discussion to this effect in the preamble to the final issuance of the Agency's Emission Trading Policy Statement.

cc: L. Scopino, SSCD
B. Sih, OGC
L. Stander, CPDD
I. Tether, OPRM

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

DATE AUG 1 1 1982

PN 110-82-08-11-060

SUBJECT Review of 1982 Ozone and CO SIP's

FROM Darryl D. Tyler, Acting Director
Control Programs Development Division (MD-15)

TO Director, Air and Waste Management Division
Regions II-IV, VI-VIII, X
Director, Air Management Division
Regions I, V, IX

We have received a number of questions from Regions regarding their 1982 carbon monoxide (CO) and ozone State Implementation Plan (SIP) reviews. In order to assure consistency among Regions, we intend to periodically prepare questions and answers and distribute them to all Regions. This is the first memorandum, of that series, which has been reviewed and agreed upon by all affected Headquarters offices.

1. What are the criteria for approval?

The statutory requirements are spelled out in Sections 110 and 171 to 178 of the Clean Air Act. The criteria for approval were published in EPA's policy statement in the January 22, 1981, Federal Register. While we intend to be appropriately flexible in so far as the law will allow, there are four conditions which cannot be violated for approval. These four essential conditions for plan approval are: the plan must show attainment of the national ambient air quality standards (NAAQS) by 1987, the plan must include an approvable inspection/maintenance (I/M) program for all urban areas over 200,000 population, the plan must show reasonable further progress (RFP) toward attainment, and the plan must include schedules for the adoption and implementation of any incomplete SIP elements.

We will not expect reasonably available control technology (RACT) regulations for the stationary sources covered by the Group III control technique guideline (CTG) documents until after EPA publishes the final documents. Failure to complete the adoption of these regulations by July 1, 1982, should not be a basis for disapproval. On the other hand, SIP's should include regulations that provide for RACT on all major stationary sources of VOC that are not covered by a CTG or the plan should demonstrate that the existing level of control represents RACT.

When addressing SIP deficiencies (except as noted below), the Regions must make several findings before we can accept schedules. The necessary findings are: RFP is maintained, the State has made a reasonable effort to address the requirements in its July submittal, the proposed schedule is as expeditious as practicable, the schedule includes specific submittal dates to EPA, and the governor is personally committed to ensure that the schedule will be met.

2. What specific action should Regions take on 1982 O_3 SIP's that are missing regulations for the Group III VOC sources?

For most affected States, the "Approval Status" section of Part 52 includes a statement that " . . . continued satisfaction of the requirements of Part D of the ozone portion of the SIP depends upon the adoption and submittal . . . by each subsequent January of additional RACT requirements for sources covered by CTG's issued by the previous January."

Where appropriate, States should be advised that this requirement will remain in effect and will establish the submittal date for the missing regulations. If this language is not currently in Part 52, Regions should incorporate it when final approval action is taken on the plan.

cc: Chief, Air Branch, Regions I-X
Charles Elkins
Jack Hidinger
Sheldon Meyers
Ed Reich
Lydia Wegman
Richard Wilson

40 CFR Part 52

[AD-FRL 2153-4]

Requirements for Preparation, Adoption, and Submittal of State Implementation Plans; New SIP Processing Procedures To Save Time and Resources

AGENCY: Environmental Protection Agency (EPA)

ACTION: Informational notice

SUMMARY: The purpose of this notice is to inform the public of EPA efforts to shorten and streamline the State Implementation Plan (SIP) review process. Specific new SIP processing procedures, discussed in an earlier Federal Register notice (September 4, 1981, 46 FR 44476), are described, as are the results of an EPA study of their effectiveness.

FOR FURTHER INFORMATION CONTACT: John Calcagni, Chief, Plans Analysis Section, Control Programs Operations Branch, MD-15, Environmental Protection Agency, Research Triangle Park, North Carolina, 27711, (919) 541-5665; FTS 629-5665.

SUPPLEMENTARY INFORMATION: Over the past several years, numerous concerns have been raised both within EPA and the air pollution control community in general regarding the time and complexities involved in processing SIP revisions. On July 22, 1981, as a result of these concerns, EPA initiated a national experimental SIP processing program designed to improve and enhance the SIP process. The program aimed at shortening the time necessary to complete rulemaking actions, avoiding unnecessary EPA review, providing the State with EPA's formal comments on a more timely basis, and reducing the uncertainty States and industry felt regarding EPA's position on specific issues.

At least 40 percent of all SIP revisions processed between July 22, 1981, and January 5, 1982, were processed using one of three processing techniques. To determine the effectiveness of the techniques, EPA conducted a study comparing the existing system of processing SIP's to these new procedures. The results of the study showed the new processes not only saved significant amounts of time, but generated an overwhelmingly positive response within EPA and without. As a result, EPA is instituting these procedures on a permanent basis.

The following are descriptions of these processing techniques and the results of EPA's study to determine their effectiveness.

Parallel Processing

In the past, SIP revisions were developed between the States and EPA through independent rulemaking processes. First, the State would develop and adopt a regulation following its administrative procedures. Then, it would be submitted to EPA for Federal approval/disapproval action. This sequential/independent rulemaking process often led to tension between the

State and EPA. The total review process was lengthy and there were many opportunities for false starts, miscommunication, and misunderstanding over the approval of a SIP revision, even though the State may have spent a considerable amount of time developing and adopting the regulation. In some cases, if significant changes were required by EPA, the State would have to repeat its rulemaking process.

Parallel processing was first implemented in April 1981 in EPA Region I. In July 1981, the program was expanded to include all EPA Regions. Using the parallel processing procedure, the EPA Regional Office works closely with the State as it develops a major regulation and proceeds through the State rulemaking process. Whenever possible, the State and EPA propose the regulation at the same time, announce concurrent comment periods, and jointly review the comments. The EPA Regional Office will consult with all other appropriate EPA offices as the regulation is being developed and during the State and Federal rulemaking process to ensure that all issues are identified before the State adopts the regulation.

If the State or EPA receives no comments that would necessitate significant changes to the regulation, it will be adopted by the State and submitted to EPA. The State-adopted regulation will then be processed by EPA as a final rulemaking. If significant changes must be made to the proposed regulation due to comments during the public comment period, EPA would have to repropose the regulation.

EPA rulemaking to incorporate a State regulation in a SIP may also be initiated when a rule has been proposed by the State but not yet adopted. This will allow the total Federal/State processing time to be reduced in cases where State rulemaking has progressed too far to allow the ideal parallel processing procedure.

To test the effectiveness of the parallel processing technique, EPA had to first find out the average time it took to process a SIP using previously established procedures. A random selection of 137 typical SIP revisions processed between 1978 and October 1981 were analyzed. Using existing procedures, it took an average of 425 calendar days from the time the SIP revision was submitted to EPA by the State until it was published as a final rulemaking in the Federal Register.

A SIP revision processed between April 1981 and January 1982, using the parallel processing technique, took an average of 128 calendar days from the time it was submitted to EPA until the final rulemaking was published in the Federal Register. Thus, the processing time was reduced by 297 days.

In conclusion, parallel processing is not appropriate for all SIP revisions. But when issues are clearly understood and the expected State action is well defined, employing such an approach can save in excess of 60 percent of the normal processing time.

Immediate Final Rulemaking

The immediate final rulemaking SIP processing approach was first used in June 1981 in EPA Region IV. In July 1981, the program was expanded to include all Regions.

Previously established procedures required that all SIP revisions be proposed for public comment before going to final rulemaking. The comment period could be 30 or 60 days depending on the anticipated public interest in the revision. Because of the straightforward nature of some actions, or the narrowness of their scope, many SIP revisions get few, if any, comments from the public during the comment period. Therefore, as part of EPA's new SIP processing program, a SIP revision that is judged by EPA to be noncontroversial and where no adverse public comments are anticipated, will be published as a final rulemaking without first going through a proposed rulemaking phase. The public will be advised that no comments are anticipated and that, unless notice is received within 30 days that someone wishes to submit adverse or critical comments, the rulemaking will be effective 60 days from the date the notice is published. If notice is received that someone wishes to submit adverse or critical comments, the final rulemaking notice will be withdrawn and a proposed rulemaking notice will be published. The proposed rulemaking notice will establish a comment period.

As of January 5, 1982, 90 SIP revisions had been processed using the immediate final rulemaking approach. Less than five percent of these were withdrawn because notice was received that someone wished to submit adverse or critical comments. To determine the effectiveness of this technique, the 90 SIP revisions that were processed using it were compared to 81 SIP revisions processed between 1978 and October 1981 using previously established procedures. The 81 SIP revisions used in the comparison did not receive comments during their proposed rulemaking and therefore it was assumed that most of them could have been processed using the immediate final rulemaking approach. The average processing time for the SIP revisions using existing processing procedures was 419 calendar days. Using the immediate final rulemaking approach, it took an average of 161 calendar days. Thus, there was an average savings of 258 days to process a SIP revision using this technique.

Other Agency Actions

EPA has also implemented a number of administrative measures to streamline internal Agency review. One of these measures, which was first implemented as an experimental processing technique in EPA Region V in April 1981 and expanded in July 1981 to include all Regions, eliminates duplicative reviews by EPA Headquarters offices of SIP revisions that do not change significantly during their proposed rulemaking. This technique saved an average of 149 calendar days in processing time.

Because use of these procedures has been found to save considerable time as well as resources, EPA intends, to use them whenever possible to more efficiently process SIP revisions. Parallel processing will be used for major SIP revisions that are likely to require coordination and cooperation between the State and EPA to identify and resolve issues and to make policy determinations in a more expedient manner. Immediate final rulemaking will be used to process SIP revisions that are noncontroversial and are not likely to elicit public comments. Finally, EPA Headquarters has eliminated its review of final rulemaking notices for SIP revisions that do not change significantly during their proposed rulemaking. EPA guideline documents for processing SIP revisions will be updated to reflect these changes.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Dated: June 11, 1982.

Kathleen M. Benett,

Assistant Administrator for Air, Noise & Radiation.

[FR Doc. 82-16997 Filed 6-22-82; 8:45 am]

BILLING CODE 6560-50-M

PN-110-81-11-9-055

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D C 20460

Nov. 9, 1981

OFFICE OF
AIR, NOISE, AND RADIATION

SUBJECT: New Procedures for Review of State Implementation Plans

FROM: Kathleen M. Bennett, Assistant Administrator
for Air, Noise and Radiation (ANR-443)

TO: Regional Administrators, Regions I-X

I am very encouraged by the response of regional offices to the goal of eliminating the backlog of state implementation plan (SIP) revisions. The number of SIP revisions being sent to headquarters has increased dramatically over the past several months. There are, however, additional steps that need to be taken to streamline the review process and improve the overall quality of the SIP packages.

To help improve the flow of SIP revisions during review by headquarters offices and ensure that each revision receives the appropriate degree of review, I am instituting new headquarters review procedures.

New Categories of SIP Revisions

The two existing categories of SIP revisions, special and normal, are now replaced with three categories: major, moderate, and minor. The category into which a SIP revision falls depends on the potential effects of the revision on air quality. The criteria that regional offices should use to identify the appropriate category for a SIP revision are included in Attachment A. Headquarters staff will help regional offices identify the appropriate category and will do some initial screening to ensure that revisions are properly classified. The new categories should be used for all SIP revisions sent to headquarters after November 13, 1981.

Revised Procedures for Review

The three categories will be used to determine the level of review for each revision. A major SIP revision will undergo the full 14-day review previously given special actions. A moderate SIP revision will be reviewed primarily by the appropriate offices within the Office of Air, Noise, and Radiation. A minor SIP revision will be reviewed primarily by the regional office. The review procedures for each category of revision are described more fully in Attachment B.

Relationship to Experimental Processing Techniques

The three categories will also be used to determine whether a SIP revision may be processed as a final rule without first being proposed for approval. A major SIP revision should not be processed as a direct final. A moderate SIP revision may be processed as a direct final action if adverse comments appear unlikely. A minor revision may be routinely processed as a direct final. Use of parallel processing is encouraged for all three categories of revisions.

Better Identification of Important Issues

Many of the action memos accompanying notices of final rulemaking for SIP revisions have not adequately identified the potential effects of the proposed action on air quality, the extent to which the affected states agree or disagree with the action, and other factors important to the Administrator in deciding whether to sign the Federal Register notice. Future action memos should clearly describe the air quality implications of the SIP revision. You, as Regional Administrator, should assure that the state understands the action to be taken. Coordination with the state should be described in the action memo. If the state does not agree with an action, the reason for the disagreement should be identified.

In addition to describing the effects of the action on air quality and on relationships with the states, the action memo should discuss any associated litigation, describe any local controversy associated with the action, and identify any organizations or individuals particularly affected by the action. Comments from the affected organizations and individuals should be noted in the action memo. The statutory requirement for the action should also be included.

As you know, I am reviewing each notice of proposed rulemaking prior to its publication in the Federal Register. An action memo requesting my concurrence should now accompany each proposal. This action memo should contain the same type of information as the action memo requesting the Administrator to sign a final rulemaking. The general format to be used for both types of action memos is shown in Attachment C.

General Improvement of SIP Packages

One of the primary reasons for preparing the Federal Register notice is to provide interested organizations and individuals with an adequate understanding of the action being taken. Regional Office staff should attempt to better organize the notices and write in plain English. The technical and legal jargon in the notices generally needs to be reduced.

Tracking the Progress of SIP Revisions

The Office of Transportation and Land Use Policy has established a computerized tracking system to help regional offices determine the status of SIP revisions during review by headquarters offices. Status reports will be provided to regional offices on a regular basis. The reports will be transmitted directly to the computer facilities at your offices.

I intend to take additional steps to improve the overall process for review and approval of SIPs. I welcome any suggestions that you may have to improve the process.

Attachments

ATTACHMENT A: NEW CATEGORIES OF SIP REVISIONS

MAJOR ACTIONS

Major SIP actions have the greatest potential effect on air quality in terms of the populations and geographic areas affected. Major actions will include:

- Actions establishing areawide or statewide control requirements submitted to meet Part D requirements (e.g., Set II VOC regulations)
- Actions establishing or modifying statewide programs for preconstruction review of major new sources or source modifications (e.g., prevention of significant deterioration plans and generic bubble rules)
- Actions relaxing sulfur dioxide limits for major power plants
- Actions establishing new Agency precedents
- Actions involving litigation
- Actions likely to lead to section 126 petitions
- Actions involving major unresolved Agency policy issues (e.g., stack heights)
- Actions disapproving SIP revisions

MODERATE ACTIONS

Moderate actions affect the air quality of more limited geographic areas. Moderate actions will include:

- Actions changing the emission limits for major point sources
- Actions approving variances for major sources that delay attainment dates
- Actions where a state does not fully agree
- Actions receiving significant local interest and comments

MINOR ACTIONS

Minor actions are generally routine SIP revisions having little effect on air quality and generating minimal public interest. Minor actions will include:

- Actions where the Agency simply affirms a state action, except where the action falls into the major or moderate category
- Final actions where no comments were received on the proposal, even though the proposed action was categorized as major or moderate

- Actions generally causing minimal changes in air quality. The subjects of such actions include:

  - Section 111(d) negative declarations
  - Lead SIPs relying solely on the lead-in-fuel program
  - Composition of state boards
  - Air quality monitoring networks and procedures
  - Variances for sources not delaying attainment dates
  - Section 107 designation changes to attainment
  - Approval of emission offsets for a new source permit
  - Relaxation of emission limits for minor sulfur dioxide sources
  - Bubbles for individual sources

ATTACHMENT B: NEW REVIEW PROCEDURES*

MAJOR ACTIONS

Major actions will be subject to the same 14-day review process used for the old special category of SIP revisions. Federal Register packages for major actions should still be sent to the Office of Regional Liaison.

MODERATE ACTIONS

Moderate actions will be reviewed primarily by the appropriate offices within the Office of Air, Noise, and Radiation (Office of Air Quality Planning and Standards, Office of Mobile Source Air Pollution Control, Office of Transportation and Land Use Policy, and the Office of Air, Noise, and Radiation Enforcement). The Office of General Counsel will participate in the review when necessary. Review of moderate actions will be completed in 14 days or less. The Office of Transportation and Land Use Policy will coordinate the review. Federal Register packages for moderate actions should be sent to the Federal Register Officer with copies sent to the same offices previously receiving copies of normal actions.

MINOR ACTIONS

Minor actions will be reviewed primarily by the regional office. Federal Register packages should be sent to the Federal Register Officer with courtesy copies sent to the same offices that receive moderate actions. Proposed actions will be sent by the Assistant Administrator to the Federal Register for publication. Final actions will be sent by the Assistant Administrator to the Administrator for signature.

*These procedures replace those described in the March 1981 guideline, "Processing Procedures for SIP Revisions [And 111(d) Plans]," prepared by the Office of Air Quality Planning and Standards. That guideline will be updated to reflect the new procedures.

ATTACHMENT C: ACTION MEMO FORMAT

SUBJECT:

FROM: Regional Administrator

TO: Administrator (Final rulemaking action)

OR

Assistant Administrator for Air, Noise and Radiation (Proposed rulemaking action)

IDENTIFICATION OF ACTION

This brief introductory paragraph should describe the action in one or two sentences, indicate whether the action is a proposed or final rule, and identify the category (major, moderate, or minor) into which the action falls.

SUMMARY OF ACTION

This section of the memo should discuss the action in more detail. The discussion should include:

- Sources or source categories affected
- Geographic area affected, including the potential for long-range transport
- Potential changes in air quality, including the effects on national ambient air quality standards and prevention of significant deterioration increments
- Statutory requirements for the action

COORDINATION WITH STATE OR STATES

This section of the memo should describe the coordination between the state and the regional office and indicate the state's position on the action. The reason for any disagreement between the regional office and the state should be included. If the SIP revision affects other states, a summary of any discussions with those states and, if appropriate, other regional offices should also be included.

ISSUES

This section should identify the major issues associated with the action and describe the response or recommendations of the regional office for these issues. This section should discuss any associated litigation, describe any local controversy associated with the action, and identify any organizations or individuals particularly affected by the action. An action memo for a notice of final rulemaking should describe any comments received on the proposal.

PN 110-81-07-22-052

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
AIR, NOISE, AND RADIATION

JUL 22 1981

SUBJECT: Experimental State Implementation Plan (SIP) Processing Techniques

FROM: Edward E. Reich, Acting Assistant Administrator for Air, Noise, and Radiation (ANR-443)

MEMO TO: Director, Air and Hazardous Materials Division
Regions I-X

Over the past several years numerous concerns have been raised both within the Environmental Protection Agency (EPA) and the air pollution control community in general, regarding the time and complexities involved in processing State Implementation Plan (SIP) revisions. In response to these concerns, EPA is developing ways to improve processing. Experimental processing techniques have been ongoing in Regions I, IV, and V for several months. These techniques include:

- Parallel processing of SIP revisions by the States and EPA (Region I).
- Going directly to final rulemaking with noncontroversial SIP revisions while maintaining a public comment period (Region IV).
- Eliminating unnecessary EPA Headquarters review by processing as a normal final rulemaking any SIP revision on which no comments are received in response to the notice of proposed rulemaking (Region V).

The first technique is applicable where a State is in the process of developing a regulation and has not initiated the formal State rulemaking process. The second and third techniques apply where the State has adopted a regulation and submitted it to EPA for approval as a SIP revision.

This program is now being expanded to include all Regions. I encourage you to use these experimental techniques for processing SIP revisions and to identify additional ways to improve processing.

(NOTE: Attachments B and C are not included.)

A more detailed description of the three techniques identified above is attached (Attachment A). Also attached are a Federal Register notice including example language for the immediate final rule processing technique (Attachment B), and a status report describing SIP revisions that are currently being processed using one of the three techniques (Attachment C).

There are other techniques that may be used to streamline the preparation of Federal Register notices. These include grouping several SIP revisions into one Federal Register notice, and providing more detailed information in a technical support document, rather than in the notice itself. Where a technical support document is used, a reference to the document and a statement that the document is available to the public must be included in the notice.

Comments received in response to a notice of proposed rulemaking may also be described in a technical support document, rather than in the final rulemaking notice. EPA's response to the comments must, however, be briefly summarized in the final notice. This approach was described in a February 2, 1981 memo to you entitled "Revisions Pertaining to Processing of Federal Register Actions," from Darryl Tyler, Acting Director, Control Programs Development Division (Attachment D).

The Control Programs Operations Branch of the Office of Air Quality Planning and Standards is coordinating efforts to implement and oversee these experimental processing techniques. A program has been established to track and evaluate the results. A Federal Register notice will soon be published notifying the public of these procedures. If you have any questions regarding the procedures or wish to advise Headquarters on a specific action applying one of these techniques, please contact Jane Kelly at 629-5665.

Attachments

cc: Chief, Air Programs Branch, Regions I-X
Bill Becker, STAPPA/ALAPCO
Ed Reich, DSSE
Alan Jennings, OPM
Lydia Wegman, OGC
Richard Kozlowski, FOSD
Jack Hidinger, OTLUP
Charles Gray, OMSAPC
Office of Regional Counsel, Regions I-X
Office of Regional Enforcement, Regions I-X

Attachment A

Experimental SIP Processing Techniques

Parallel Processing

Presently, SIP revisions are developed between the State and EPA through independent rulemaking processes. First, the State develops and adopts a regulation following State administrative procedures. Then, EPA incorporates the regulation in the SIP. This sequential rulemaking may lead to tension between the State and EPA because the total review process is lengthy. Also, if significant changes are required by EPA, the State may have to repeat their rulemaking process.

Under the parallel processing procedure, the EPA Regional Office will work more closely with the State as the State develops a major regulation and proceeds through the State rulemaking process. EPA rulemaking will be carried on simultaneously with the State process. Ideally, the State and EPA will propose the regulation at the same time, announce concurrent comment periods, and jointly review the comments. The Regional Office will consult with EPA Headquarters offices as the regulation is being developed and during the State and Federal rulemaking process to ensure that all issues are resolved before the State adopts the regulation. All substantive issues should be raised by EPA Headquarters offices before the regulation is proposed. Procedures will be established to quickly resolve any issues raised by EPA Headquarters offices after notices of proposed rulemaking have been published.

If no comments are received by the State or EPA that necessitate significant changes to the regulation, the regulation will be adopted by the State and submitted to EPA. The adopted regulation will then be processed by EPA as a final rulemaking. If significant changes do have to be made to the proposed regulation, EPA may need to repropose the regulation.

EPA rulemaking to incorporate a State regulation in a SIP may also be initiated when a State rule has been proposed but not adopted. This will allow the total Federal/State processing time to be reduced in cases where State rulemaking has progressed too far to allow parallel processing.

A proposed rulemaking based on the parallel processing technique was published in the Federal Register on June 1, 1981 (46 FR 29289). The rulemaking revises the Massachusetts Part D SIP.

Immediate Final Rulemaking

Presently, the SIP revision process requires that all revisions be proposed for public comment before going to final rulemaking. The comment period is 30 or 60 days depending on the anticipated public

interest in the revision. Both the proposed rulemaking and the final rulemaking must go through Headquarters review before being published. Many SIP revisions get few, if any, comments from the public during the comment period. Therefore, as part of the experimental SIP processing program, SIP revisions that are judged by the Region to be noncontroversial will be published as a final rulemaking without going through a proposed rulemaking. The public will be advised that no comments are anticipated and that unless notice is received within 30 days that someone wishes to submit adverse or critical comments, the revision will be effective 60 days from the date the Federal Register notice is published. However, if within 30 days notice is received that someone wishes to submit adverse or critical comments, the action will be withdrawn and the Region will publish subsequent notices before the effective date. One notice will withdraw the final action and the other will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

This approach can save time and resources while maintaining the public's right to comment. If SIP revisions do not require substantial changes due to public comments and past experience indicates that this is the case, then the Regional Office will only have to write one Federal Register notice instead of two. Also, Headquarters review will be cut in half.

Attachment B is a Federal Register notice redesignating two counties in North Carolina to attainment for particulate matter. It is included as an example of a SIP revision that is being processed using the direct final experimental processing technique. An asterisk identifies the boilerplate language that has been approved for use by OGC.

Eliminating Duplicative Review

SIP revisions designated as special actions must go through two Headquarters reviews while those designated as normal actions are not reviewed by Headquarters. This experimental technique involves processing, as normal actions, those rulemakings that were proposed as special actions but did not generate significant public comments and were not significantly changed from the proposal. By doing so, only one Headquarters review is required and thus the SIP processing time is decreased.

The Regional Office will be responsible for determining the significance of comments received during the proposed rulemaking as well as the significance of any changes to the proposal. If there are any questions as to the significance of comments or changes, the Regional Office should confer with the appropriate Headquarters offices before proceeding.

Attachment D

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: FEB 2 1981

SUBJECT: Revisions Pertaining to Processing of Federal Register Actions

FROM: Darryl Tyler, Acting Director
Control Programs Development Division (MD-15)

TO: Director, Air and Hazardous Materials Division, Regions I-X

The purpose of this memorandum is to institute revised policies regarding formal Agency rulemaking actions. These new policies are intended to help expedite the processing of SIP revisions. Additionally, it is hoped that these measures will result in reduced Federal Register printing requirements and costs.

The new policies are summarized below:

Comments received on proposed rulemakings do not have to be explicitly addressed in final rulemaking notices.

In the past, the Agency has attempted to summarize all comments received on notices of proposed rulemaking and then list these comments along with the Agency's response in the final rulemaking register. This approach often results in lengthy packages. More importantly, since the Agency's responses are included with a formal public rulemaking notice, there is particular emphasis in Headquarters review on the policy and legal implications of these necessarily abbreviated responses. Hence, often the rulemaking portion of the package is satisfactory but problems with the response to comments holds up the overall package.

Therefore, it is recommended that responses to comments be incorporated into a technical support document. The rulemaking discussion should include some reference to this document and indicate that it is available for public review. This technical support document must be forwarded with the Federal Register package for 14-day review.

Irrespective of this new policy, it is essential that the Federal Register clearly spell out the Agency's final determination regarding comments received. This can normally be handled in a brief summary statement.

Region V final rulemakings where no significant comments were raised on the proposal may now be handled as "normal actions."

At this time, we are formally initiating a pilot program in Region V aimed at decreasing the time required to process final SIP revisions. During the course of the pilot program, Region V will process as normal actions those final rulemakings that were proposed after February 1 as special actions, did not generate significant public

comments, and were not significantly changed from the proposal. The Regional Office will be responsible for determining the significance of any comments received on the proposal package as well as the significance of any changes to the proposal. For those comments or changes about which there might be any question as to their significance, the Regional Office will confer with the appropriate Headquarters offices before proceeding.

It is our intention to review the benefits of this pilot program after six months to determine if appreciable time savings can be realized without unduly affecting the quality of the review process. If this is the case, it is our intention to institute this program in all Regions. We will work with Region V to develop a tracking and evaluation system that will allow us to clearly judge the merits of the pilot at that time.

These new policies are effective immediately. Should you or your staff have any questions regarding their implementation, please contact either me or John Calcagni at 629-5365.

cc: Chief, Air Programs Branch, Regions I-X
David Menotti, OGC
Ed Reich, DSSE
Jim Sakolosky, MSED
Henry Beal, SRED
Jack Hidinger, OTLUP
Charles Gray, MSAPC
Mary Rhones, OIR
Deborah Taylor, OPE

PN-110-80-11-17-045

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

DATE: NOV 17 1980

SUBJECT: Bubble Proposal for the Armco Inc. Middletown Works

FROM: Richard G. Rhoads, Director
Control Programs Development Division (MD-15)

TO: Director, Air and Hazardous Materials Division, Regions I-X

The purpose of this memorandum is to provide you with a brief status report on the bubble proposal from Armco Inc. for its Middletown, Ohio, iron and steel facilities. This proposal involves the installation of open dust or nontraditional controls, such as road and parking lot paving and cleaning and the utilization of dust suppressants on storage piles and unpaved areas, in lieu of fugitive process controls on the basic oxygen and open hearth shops and the blast furnace cast house.

The monitoring phase of Armco's proposal is now underway. Results for the first two months (August and September) were presented to Ohio EPA and U.S. EPA in October. These data indicated that the ambient standards were nearly being attained at the monitoring sites affected by Armco's emissions. Because of an unavoidable delay in obtaining meteorological data for the demonstration period, dispersion modeling has not yet been completed to substantiate these results or to evaluate the impact of the other control measures to be undertaken in the Middletown area. EPA has agreed to propose approval of Armco's bubble once the Ohio EPA has developed and submitted a SIP to EPA which identifies control measures for Armco and other contributing sources. Final approval, however, will be contingent on the submission of an appropriate modeling demonstration.

The requirements for implementing the bubble policy have not changed since their initial publication on December 11, 1979 (44 FR 74780) with respect to trades involving open dust sources. Though such trades are allowed, EPA has specifically identified in the policy certain restrictions on their use. Because of the difficulty of ensuring equivalent effects on air quality and the uncertainty regarding the accuracy of model projections, EPA generally will not approve any bubble proposal based solely on a modeling demonstration that proposes to substitute controls on open dust sources for reasonable controls on the more significant sources of process emissions. For such trades, sources should first demonstrate the effectiveness of open dust controls by installing the controls and then by monitoring the results. Modeling can be used to supplement, as Armco has agreed to do, the monitoring demonstrations by providing a further evaluation of the air quality impact of the trades at maximum allowable emission limits and under various meteorological conditions.

Though we believe that Armco can meet the requirements of the bubble policy and the Clean Air Act, we are not yet in a position to utilize the Armco experience as a basis for revising requirements for bubble applications at other steel mills. The Armco situation is somewhat unique because an extensive monitoring network is in operation in and around the plant, and ambient air quality concentrations are very close to the national standards. Because of this uniqueness, the Armco decision cannot be automatically applied to other steel mills. However, we will be conducting further studies at Armco, including industrial source model validation, which should provide a basis for reconsidering the fugitive dust aspects of the policy in mid-1981.

I hope this memorandum answers some of the questions you or your staff may have encountered with regard to our actions with Armco Inc. If you have further questions or seek further clarification, please contact me at 629-5251 or Leo Stander of my staff at 629-5516.

cc: Chief, Air Programs Branch, Regions I-X

PN-110-80-10-23-044

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

DATE: OCT 2 3 1980

SUBJECT: Growth Restrictions in Secondary NAAQS Nonattainment Areas

FROM: Richard G. Rhoads, Director
Control Programs Development Division

TO: Director, Air and Hazardous Materials Division, Regions I-X

Some uncertainty has existed concerning the applicability of the Section 110(a)(2)(I) construction prohibition for areas with no approved plans to attain the secondary, welfare-related standards.

Attached for your information is a memorandum from Mike James which resolves that uncertainty by explaining that Section 110(a)(2)(I) would not apply for failure to have an approved SIP for secondary national ambient air quality standards.

I would also like to reiterate that the emission offset policy remains in effect in TSP nonattainment areas violating only the secondary standard until a SIP is approved for those areas. I am also attaching a copy of the March 10, 1980 memorandum from Mr. Hawkins to the Regional Administrators, "Emission Offset Requirements in Secondary Standard Total Suspended Particulate Plans," for your information. (see PN-110-80-03-10-0

Please provide this information to the States and other interested parties in your Regions.

Attachments

cc: Dan Goodwin, STAPPA SIP Committee
Ed Reich, DSSE
Mike James, OGC
Regional Counsel, Regions I-X

EPA Form 1320-6 (Rev. 3-76)

UNITED STATES ENV
RECEIVED
OCT 4 04 PM '80
RTP, N.C. 27711

October 1, 1980

MEMORANDUM

SUBJECT: Growth Restrictions In Secondary NAAQS Nonattainment Areas

FROM: Michael A. James, Associate General Counsel
Air, Noise and Radiation Division (A-133)

TO: Richard G. Rhoads, Director
Control Programs Development Division (MD-15)
Office of Air Quality Planning and Standards

You have asked for a legal opinion as to whether the growth restrictions of section 110(a)(2)(I) of the Clean Air Act would apply if a State fails to timely submit a Part D plan for attainment of a secondary NAAQS only. For the reasons set out below, I conclude that the growth restrictions would not apply.

Background

Section 110 of the Act requires each State to develop, and to submit to EPA for approval, implementation plans (SIPs) which provide for the attainment and maintenance of the primary and secondary national ambient air quality standards (NAAQS). Under section 109(b) of the Act, primary standards for air pollutants are those which, "allowing an adequate margin of safety, are requisite to protect the public health." A secondary standard for an air pollutant, on the other hand, specifies the level of air quality which "is requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of such air pollutant in the ambient air."

In 1977, to address the problem of continued nonattainment of the NAAQS, Congress amended the Clean Air Act to add Part D (sections 171-178). Part D required States to revise their SIPs to include, for any area which was designated as not having attained an NAAQS, the provisions specified in section 172(b), including the permit program specified in section 173. Under section 172(a), the Part D plan generally had to provide for attainment of the NAAQS in those areas "as expeditiously as practicable". In the case of a primary standard, however, it had to provide for attainment not later

than December 31, 1982. 1/ In addition, under the newly-added section 110(a)(2)(I), beginning on July 1, 1979, no major stationary source of a pollutant could be constructed or modified in an area which was designated nonattainment for that pollutant unless a Part D plan for that pollutant had been approved for that area.

Finally, section 129(c) of Public Law 95-95 2/ established a general deadline of January 1, 1979, for submission of Part D revisions. Under existing section 110(b), however, the deadline for submission of Part D plans for secondary standards could be extended for up to eighteen months, or until July 1, 1980.

Discussion

Read literally, the growth restrictions contained in section 110(a)(2)(I) could be interpreted to apply, after June 30, 1979, to any area which has not attained a NAAQS--either primary or secondary--and for which EPA has not approved a Part D plan. However, I do not believe that such an interpretation would be consistent with the intent of Congress.

This conclusion is supported by the statutory scheme itself, which imposes much more rigid requirements on Part D plans for primary standards than on those for secondary standards. Part D plans for primary, health-based standards must be submitted to EPA by January 1, 1979 and must provide for attainment no later than December 31, 1982. 3/ Part D plans for secondary, welfare-based standards do not have to provide for attainment by any prescribed date. This demonstrates that Congress did not view attainment of secondary standards with the same urgency as it viewed attainment of primary standards. It is therefore unlikely that failures to timely submit secondary plans were intended to have the same consequences as were failures to timely submit primary plans.

It is also instructive that, in section 110(b), Congress expressly authorized the Administrator to grant extensions for the submission of secondary plans for a period not to exceed eighteen months -- or, in the case of secondary Part

---

1/ In the case of photochemical oxidants and carbon monoxide, if a State demonstrates that attainment by December 31, 1982 is not possible, the deadline is December 31, 1987.

2/ Public Law 95-95 is the official citation for the Clean Air Act Amendments of 1977. Section 129(c) of that statute is not technically part of the Clean Air Act but it is part of the law of the land.

3/ See footnote 1, supra.

D plans, until July 1, 1980. The date for submission of a secondary Part D plan, therefore, could be one full year later than the date that growth restrictions go into effect if a plan has not yet been approved. It is inconceivable that Congress intended such a discontinuity. If Congress intended the construction restrictions to apply to secondary standard nonattainment situations, I think they would have included language to harmonize section 110(b) with section 110(a)(2)(I).

The legislative history of Part D supports the interpretation discussed above. Congress' concern was that the primary, health-based standards had not yet been attained in many areas of the country. Since allowing new industrial growth in those areas would worsen the existing health problems, the purpose of Part D was to assure that any new growth would not jeopardize the Act's predominant goal of protecting the public health. This focus on the health aspects of nonattainment is reflected in the House Report on the 1977 Amendments 4/; the House debate on the House bill 5/; the Senate Report on the 1977 Amendments 6/; the Senate debate on the Senate bill 7/; the Conference Report on the 1977 Amendments 8/; the House debate on the Conference report 9/; and the Senate debate on the Conference report 10/. For example, during the Senate debate on the Senate bill, Senator Muskie remarked:

4/ H.R. Rep. No. 95-294, 95th Cong., 1st Sess. (May 12, 1977), pp.33, 207-210, 213, 214-215. This report is part of the compendium entitled "A Legislative History of the Clean Air Act Amendments of 1977," Library of Congress, Congressional Research Service, Serial No. 95-16 (hereinafter cited as the "Legislative History"). The corresponding citations are Legislative History, Vol. 4, pp. 2500, 2674-2677, 2680, 2681-2682.

5/ Legislative History, Vol. 4, pp. 3037, 3041, 3055.

6/ S. Rep. No. 95-127, 95th Cong., 1st Sess. (May 9, 1977), p.54; Legislative History, Vol. 3, p. 1428.

7/ Legislative History, Vol. 3, pp. 717, 771, 1123-1125.

8/ H.R. Rep. No. 95-564, 95th Cong., 1st Sess. (August 3, 1977); Legislative History, Vol. 3, p. 537.

9/ Legislative History, Vol. 3, pp. 319, 322, 336.

10/ Legislative History Vol. 3, p. 367.

> . . . This year the [committee's] time was spent on the issue of growth in areas not yet meeting national health standards.
>
> The threat to human health in these areas is serious. Yet the potential harm to welfare from prohibiting all major industrial growth is also great. 11/

In short, all the evidence we have in the history indicates that Congress' intent was to prevent new growth unless attainment of the primary, health-based standards by the new statutory deadline would be assured. The total lack of any discussion showing comparable concern for the secondary standards indicates that they were not included in the protection scheme.

In light of the statutory scheme and the legislative history of Part D, I do not believe that the growth restrictions of section 110(a)(2)(I) were intended to apply in situations where only the attainment of secondary, welfare-based standards is involved.

11/ Legislative History, Vol. 3, p.771.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

DATE: SEP 25 1980

PN 110-80-09-25-043

SUBJECT: Incorporation by Reference of SIP Revisions

FROM: Richard G. Rhoads, Director
Control Programs Development Division (MD-15)

TO: Director, Air and Hazardous Materials Division, Regions I-X

We have received a few questions regarding my June 21, 1980 memo in which minor changes were described in the procedures to be followed in the submissions for incorporation by reference by the Office of the Federal Register (OFR). The purpose of this memo is to clarify a few points.

1. A copy of the document described in the Identification of the Plan must be attached to the package intended for the OFR. This is important since it is the document which is really being incorporated by reference and is indexed and placed in OFR's public information center.

2. Some Identification of Plan sections are quite lengthy. In such cases, there is no need for a verbatim repetition in the identification of the document section of the covering memo. This memo submits the package to OFR by EPA's Office of Federal Register (EPA/OFR). A short identification will do.

3. Final submission of all parts, including Part 81, should be forwarded for incorporation by reference.

4. There may be public inquiries by mail to the OFR so the zip code, 20408, should be added to the OFR address.

5. The contract period has been recently extended to provide time for the contractor to update the compilation to September 1, 1980 rather than to August 1, 1980. This means that there is no need to submit any final approval action taken during the month of August to the EPA/OFR.

If you have any further questions, please call Tom Gunning (629-5365).

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

DATE: AUG 8 1980

PN 110-80-08-08-041

SUBJECT: The Bubble Policy and State Plans Under Clean Air Act Section 111(d)

FROM: Walter C. Barber, Director
Office of Air Quality Planning and Standards (MD-10)

TO: Director, Air and Hazardous Materials Division, Regions I-X

A number of inquiries have been received concerning the applicability of the bubble policy with respect to the noncriteria pollutants designated under the requirements of Section 111(d) of the Clean Air Act. This memorandum is a response to these inquiries.

The bubble policy, as published in the December 11, 1979 Federal Register (44 FR 71780), may be applied to emission limitations developed as part of State Implementation Plans required by Section 110 of the Clean Air Act. The bubble policy does not apply to sources which must comply with the performance standards for existing stationary sources developed in accordance with the requirements of Section 111(d). These performance standards are applied to specific individual facilities for certain designated pollutants.

Although the bubble policy does not apply to Section 111(d), the advantages of the policy can be achieved, in some cases, simply by observing EPA's requirements for implementing this Section as found in 40 CFR Part 60 Subpart B. This is particularly true if the Administrator determines that a designated pollutant may only cause or contribute to the endangerment of public welfare but not endanger public health. In such cases, the States are not bound by the EPA guideline document but may balance "other factors of public concern" against the EPA guidelines when setting standards. These other factors may include: (a) the cost of achieving such emission reductions; (b) any other health and environmental impacts; (c) energy requirements; and (d) the remaining useful life of the existing sources.

Under the regulations, States have less flexibility if the Administrator determines the designated pollutant to be health related. In such cases, the States are generally expected to set standards at least as stringent as the EPA guidelines. Less stringent standards may be set but only in situations where the State demonstrates compelling reasons to do so.

We encourage you to be receptive to Section 111(d) proposals. If a company tells you or the State that they want to "bubble" 111(d) pollutant control requirements, ask to see their specific plan before you give them an opinion. In many cases, it may be possible to adopt the company's preferred control strategy. In particular, since TRS regulations are due soon in many States and it is a welfare related pollutant only, you may want to remind your States that they already have substantial flexibility under our regulations to design source-specific regulations for these sources.

Should you have any questions concerning the relationship between EPA's bubble policy and the requirements of Section 111(d), please contact Dick Rhoads at FTS 629-5251 or Leo Stander of his staff at FTS 629-5365.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

PN 110-08-04-040

DATE: August 4, 1980

SUBJECT: Applicability of Paper Coating, Fabric Coating, and Graphic Arts CTGs

FROM: Tom Helms, Chief Tom (MD-15)
Control Programs Operations Branch, CPDD

TO: Air Branch Chief, Regions I - X

Recent discussions with State agencies and industry indicate there are misunderstandings concerning which coating processes are subject to the Graphic Arts CTG (Volume VIII) and which are covered by the Paper Coating and Fabric Coating CTGs (Volume II).

As stated in Section 1.2.4 of Volume VIII, the Graphic Arts CTG is intended to cover printing operations in the production of packaging materials and publication rotogravure printing operations. Other types of web coating operations are covered by Volume II in the Paper Coating and Fabric Coating CTGs. These Volume II operations include some printing operations, such as printing of wallpaper, floor coverings, gift wrap, shower curtains, and artificial leather and wood grains.

Industry spokesmen have requested that all rotogravure printing operations be covered under the Graphic Arts CTG (Volume VIII). There is a certain simplicity to having all rotogravure printing operations included under one RACT level; however, since publication printing and flexible package printing would be included, such a general rotogravure RACT level would, of necessity, be less strict than the paper coating and fabric coating RACT levels described in Volume II.

EPA engineers have observed that there are many rotogravure coating operations which are as amenable to control as are paper and fabric coated by reverse roll or blade coating techniques. Thus, in order to obtain the maximum reasonable control, rotogravure operations (other than publication printing and flexible packaging printing) have been included in the Paper Coating and Fabric Coating CTGs along with roll, reverse roll, blades, air knife, and other coating application techniques.

Some types of printing, such as textile printing, are not covered by either Volume II or Volume VIII, but may be covered in future CTGs.

cc: VOC Contact, Regions I - X
Jim Berry, ESED

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

DATE: JUL 31 1980 PN 110-80-07-31-039

SUBJECT: Applicability of VOC Control Technique Guidelines (CTGs) to the Automobile Manufacturing Industry

FROM: Richard G. Rhoads, Director
Control Programs Development Division (MD-15)

TO: Director, Air and Hazardous Materials Division, Regions I - X

It has been brought to my attention that some confusion exists concerning the applicability of EPA-CTG, Vol. II, "Surface Coating of Automobiles and Light Duty Trucks" and EPA-CTG, Vol. VI, "Surface Coating of Miscellaneous Metal Parts and Products" in the automobile manufacturing industry. This memorandum clarifies the applicability of these two CTGs to the automobile manufacturing industry.

For the purposes of this discussion, metal coating operations in the automobile manufacturing industry can be separated into the following three distinct subdivisions:

I. Primer, guidecoat (surfacer), topcoat, and final repair coating of main body and front end sheet metal parts.

II. Application of coatings other than those in I above to main body and front end sheet metal parts.

III. Separate coating of metal parts other than main body and front end sheet metal parts.

Coating operations in I above are covered by the Automobile and Light-Duty Truck CTG. The recommended limits apply whether the main body and front end sheet metal parts are coated as a single unit or separately as is done at some stamping plants and some assembly plants.

Contrary to two statements (pages viii and 6-5) in the Automobile and Light-Duty Truck CTG which indicate that all automotive metal coating operations are covered by this CTG, all operations in II and III above should be covered by the Miscellaneous Metal Parts CTG. This was noted in the attached April 18, 1980 memorandum from F. W. Giaccone, Region II to Don Goodwin, Director ESED.

The Miscellaneous Metal Parts CTG best takes into account the broad range of performance requirements for coatings in II above such as plastisols, striping, trunk spatter, and undercoatings; and for coatings applied to such varied parts in III as wheels, steering columns, brackets, and engine parts. The recommended emission limits in the Miscellaneous Metal Parts CTG are generally less stringent than those in the Automobile and Light-Duty Truck CTG.

As is noted in the CTG for Miscellaneous Metal Parts, when reviewing regulations for these products, consideration should be given to the possibility that for some operations in II and III control to the level recommended in the Miscellaneous Metal Parts CTG may be technically infeasibile or unreasonably costly. Such operations may be allowed to control to a less stringent level provided an adequate demonstration of technical infeasibility or unreasonable cost is made. Consideration might also be given to the utilization of alternative emission control strategies under the bubble policy (44 FR 71780, December 11, 1979) for those operations from II and III and thereby possibly exempting small (measured in terms of absolute mass emission) sources from control.

Please contact Bill Polglase (FTS 629-5251) or Tom Williams (FTS 629-5226) should you have any questions.

Attachment

cc: Chief, Air Programs Branch, Regions I-X
Del Rector, Michigan DNR

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

DATE: JUL 15 1980 PN 110-80-07-15-038

SUBJECT: Attainment Dates for Newly Designated Nonattainment Areas

FROM: Richard G. Rhoads, Director
Control Programs Development Division (MD-15)

TO. Director, Air and Hazardous Materials Division, Regions I-X

The purpose of this memo is to set forth the policy for determining the date by which areas must attain the national ambient air quality standard for pollutants for which such areas are, hence forth, initially designated nonattainment.

As you are aware, current Agency policy allows nonattainment area plans to be approved only if they satisfy the criteria, among others, of demonstrating compliance by the 1982 attainment date (unless one of the criteria allowing post-1982 compliance dates is satisfied). Obviously, continuance of this policy creates a difficult problem for those areas which are designated nonattainment within a few years of the 1982 attainment date. As such, my office has requested a legal opinion from OGC on the ability of the Agency to specify an attainment date different than 1982 for newly designated nonattainment areas. A copy of our request and OGC's subsequent response are attached.

The policy expressed in the attached OGC legal opinion states that SIPs developed for newly designated nonattainment areas are subject to the same time intervals set forth in Part D as were the initial 1979 plan revisions. This allows 12 months from the nonattainment designation for preparation and submittal of a plan, 6 additional months for EPA action on the plan, and no more than 3 1/2 years from the date of plan approval (i.e., 18 months from the nonattainment designation) to reach attainment.

If you have any questions or comments concerning this policy, please contact Mike Clowers (FTS) 629-5365 of my staff.

Attachments

cc: Mike James
Ed Reich

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

DATE MAY 13 1980

SUBJECT Compliance Dates Extending Beyond a 1982 Attainment Date

FROM Richard G. Rhoads, Director
for Control Programs Development Division (MD-15)

TO Michael A. James, Director
Air, Noise, and Radiation Division, OGC (A-133)

The purpose of this memo is to request a legal opinion on the Agency's ability to approve a compliance schedule extending beyond a 1982 attainment date.

As you are aware, current policy dictates that on a case-by-case basis, individual source specific schedules may be extended beyond the categorical schedule but not beyond the final attainment date if various criteria are satisfied. However, in implementing this policy, the Agency has allowed commonly owned or controlled operations (i.e., GM) which are part of a statewide or multistate program and are prioritizing the sequence of installing controls to extend the compliance deadline beyond the applicable attainment date (1982). In addition, the Agency has just issued guidance allowing States with 1982 attainment dates to grant extensions beyond 1982 provided, however, that the SIP continues to demonstrate attainment by 1982.

Recently, issues have been brought to the attention of my office which suggest that further flexibility in this area of post-attainment date compliance schedules is necessary. Specifically, the issues involve those instances where States will be required to develop Part D SIP revisions for areas which are designated nonattainment in the future. Under current Agency policy, such nonattainment area plans could only be approved if they satisfy the criteria, among others, of demonstrating compliance by the 1982 attainment date (unless one of the criteria for allowing post-1982 compliance dates is satisfied). No provisions currently exist to deal with those instances where, because of the timing of the nonattainment designation, insufficient time remains for the sources to comply with the emission limitations prior to 1982.

As an example, Region V expects to redesignate Milwaukee and Green Bay, Wisconsin, as nonattainment for sulfur dioxide in the near future. Consequently, the State of Wisconsin will be required to submit a plan for these areas by mid-1981 with EPA's approval/disapproval decision being published by early 1982. Even with this optimistic schedule, sources subject to the plan would have less than one year from EPA's decision to comply with the limitations in the plan. In most cases, due to control equipment construction and start-up times, sources will be physically unable to comply by the 1982 attainment date.

Two possible solutions for dealing with this situation are briefly outlined below for your consideration. The first possibility is to operate under Section 110 which allows three years from the date of plan approval to achieve attainment. The second and more logical approach is to prorate the time frames in Part D so that post-1978 designations are subject to the same time period as the initial designations.

The present situation in Wisconsin and the possibility of future nonattainment designations require that Agency policy address these special circumstances. It is, therefore, important that we receive the benefit of your staff's opinion of this issue as soon as possible. If you have any questions concerning this request, please call Bob Schell of my staff at FTS 629-5365.

cc: Chief, Air Programs Branch, Regions I-X
Ed Reich, DSSE
Steve Kuhrtz, OANR
Ron Campbell, OAQPS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

RECEIVED
JUN 30 3 08 PM '80
CPDD, OD
RTP, N.C. 27711

JUN 24 1980

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Attainment Dates For Part D Plans For Newly Designated Nonattainment Areas

FROM: Bruce Diamond
Deputy Associate General Counsel
Air, Noise and Radiation Division

THRU: Michael A. James
Associate General Counsel
Air, Noise and Radiation Division

TO: Richard G. Rhoads, Director
Control Programs Development Division
Office of Air, Noise and Radiation

You have asked for a legal opinion as to what primary standards attainment date applies to Part D SIPs required for areas designated nonattainment in the future. Part D of Title I of the Clean Air Act, as amended in 1977, requires that state implementation plans for areas not attaining national ambient air quality standards must, among other things, provide for attainment of primary standards as expeditiously as practicable but no later than December 31, 1982. Section 172(a)(1). 1/ However, if in the future an area is newly designated nonattainment the 1982 date could present overwhelming practical problems.

I agree that Congress did intend that areas designated nonattainment for CO, O_3, NO_2, TSP and SO_2 must prepare SIPs meeting the requirements of Part D 2/ regardless of when the designation occurs. This is what the statute quite literally says. See Sections 107(d), 110(a)(2)(I), 171(2) and 172. Nothing in the relevant provisions of the Act limits the applicability of Part D requirements to areas designated at any particular time. Moreover, Section 107(d)(5) expressly contemplates that revisions to designations will occur and there is no indication whatever that revised designations were meant to be any less effective in triggering Part D (and Section 110 (a)(2)(I)) than were the original designations.

1/ Under certain circumstances the attainment dates for the ozone and carbon monoxide standards may be deferred until December 31, 1987. Section 172(a)(2).

2/ I will ignore HC for purposes of this discussion. We have only required Part D SIPs with respect to lead.

I also agree that Congress could not have intended the deadlines contained in Part D to apply when, due to the late date at which a nonattainment designation occurs, these deadlines make no sense whatever. 3/

The question, then, is what time frames to apply. Two choices present themselves. One option is to use the time frames in Section 110: nine months to prepare a plan (110(a)(1); see also uncodified Section 406(d)(2)(B)), four months to approve or disapprove it (110(a)(2)), and up to three years from the date of approval to reach primary standards attainment (110(a)(2)(A)(i)). 4/ The other option is to use the time intervals (but not the precise dates specified) in Part D and related provisions. This would allow 12 months for preparation of a plan, 5/ six months for EPA approval or

3/ This must be distinguished from claims that the attainment deadline is impractical due to other reasons. Congress was well aware that the 1982 date could present a severe practical challenge, yet provided only very limited authority to EPA to extend that date. By limiting the scope of Section 172(a)(2) to CO and O_3, Congress made clear that the 1982 deadline could not be deferred for other pollutants despite the existence of such practical obstacles as lack of data, the complexity of the required tasks, or the severity of the pollution problem. But maintaining the 1982 deadline for areas first designated nonattainment well after the initial designations were issued could lead to absurd results. For example, there is obviously no way an area designated nonattainment in 1983 could meet a 1982 attainment deadline. Since Congress was aware that designations could change, see Section 107(d)(5), and since it must be assumed that Congress could not have intended absurd results, it is reasonable to believe that the 1982 deadline may be deferred for areas designated nonattainment in the future.

4/ The three years runs from no later than the last day set by the statute for approval, even if approval is delayed. Section 110(e) authorizes an extension of the atttainment date of up to two years under certain circumstances.

5/ This is the approximate difference between the date nonattainment designations were originally supposed to be promulgated under Section 107(d) and the date for Part D Plan submission specified in uncodified Section 129(c).

disapproval, 6/ and no more than 3 1/2 years from date of plan approval (or from the last day by which approval was due) to reach attainment. 7/

Neither the statute nor the legislative history addresses the question of which option is more appropriate. I believe that using the Part D time frame is somewhat more defensible. As a matter of simple logic it would seem that the time frames designed by Congress specifically for Part D SIPs are the ones to use. Since the plans to be developed for the new nonattainment areas are subject to the other requirements of Part D, it makes sense that they also be subject to the time deadlines set out in (or for) Part D. Although it could be argued that in the absence of explicit alternative deadlines the deadlines of Section 110 apply, 8/ I think the better reading of the statute, in light of its structure and purposes, is to use the time frames set out in the statute for Part D SIPs.

cc: Steve Kuhrtz
Ed Reich

6/ This is the difference between the January 1, 1979 date for plan submission set in uncodified Section 129(c) and the July 1, 1979 date for imposition of the growth moratorium. See Sections 110(a)(2)(I) and 172(a)(1).

7/ This is the difference between July 1, 1979 and December 31, 1982. Of course, attainment must always be as expeditious as practicable.

8/ Uncodified Section 406(d)(2) provides that "[e]xcept as otherwise expressly provided" by the statute plan revisions required by the 1977 amendments are due within nine months of the adoption of the regulations necessary for approval of the revisions. This could provide support for using nine months rather than twelve months as the deadline for Part D plan submittal for newly designated nonattainment areas. But, since Section 406(d) does not literally apply (since no new regulation is involved) and since one year was the time originally provided for submittal of Part D plans, a one year deadline seems reasonable.

MEMORANDUM

MAY 9 1980

SUBJECT: Clarification of Requirements for Inclusion of Continuous Emission Monitoring Provisions in State Implementation Plans

FROM: Director, Division of Stationary Source Enforcement

TO: Enforcement Division Directors, Regions I-X

Air and Hazardous Materials Division Directors, Regions I-X

During the course of a recent survey of state continuous emission monitoring (CEM) regulations for existing stationary sources, the following question arose concerning the applicability of 40 CFR Part 51, Appendix P, which requires CEM at four categories of existing sources (power plants, sulfuric acid plants, nitric acid plants, and fluid bed catalytic cracking unit catalyst regenerators at petroleum refineries):

> Appendix P requires CEM at the four listed sources if they exceed certain size threshholds and, in the case of NOx CEM, power plants and nitric acid plants if they are located in areas designated nonattainment for nitrogen dioxide. If a state, due to the size threshholds, has no Appendix P sources, or if a state has no areas designated nonattainment for nitrogen dioxide, must the state nonetheless promulgate a CEM regulation pursuant to 40 CFR 51.19(e) in case a source exceeding the threshhold is subsequently constructed in that state or in the event an area is later designated nonattainment for nitrogen dioxide?

The question arose because among the reasons some states have given for not having complete Appendix P regulations are that the sources in those states do not meet the size threshholds or that there are no areas in the states designated nonattainment for nitrogen dioxide.

It is our view that a state need not promulgate CEM regulations to apply to Appendix P sources not yet in existence in the state. Appendix P by its terms permits states, in their CEM regulations, to exempt from its coverage sources which would be subject to any NSPS requiring CEM. All four of the source

categories covered by Appendix P would, if new, be subject to NSPS continuous monitoring requirements. Should a source meeting the Appendix P size threshhold be subsequently constructed in a state, it would be governed by the CEM provisions of the applicable NSPS. Coverage under Appendix P would therefore be unnecessary to assuring the continuous monitoring of that new source.

With regard to the absence within a state of areas designated nonattainment for nitrogen dioxide, a state need not require NOx monitoring under Appendix P for power plants or nitric acid plants where there are currently no nonattainment areas for nitrogen dioxide. A reading of Sections 2.1.3 and 2.2 of Appendix P reveals that the presence of a nonattainment area for nitrogen dioxide is so much a part of the description of the covered source categories that the absence of such an area would preclude existing power plants and nitric acid plants from Appendix P coverage for NOx monitoring. There being no covered sources for NOx monitoring, no regulations need be enacted to require such monitoring.

In order, however, to encourage states to assess their CEM regulations and to examine those sources covered by them, we will suggest to the working group presently involved in further developing the Agency's CEM requirements that 40 CFR 51.19(e) and Appendix P be amended to include a provision requiring a state to certify, in a manner similar to 40 CFR 60.23(b) for NSPS, that it has no existing sources of the type covered by the CEM requirements and therefore need not have complete Appendix P regulations. A procedure of this sort would enable the Agency to better monitor both source and state compliance with CEM regulations for existing sources.

If you have any questions on this matter, please feel free to contact Mark Silvermintz (FTS 755-2570) in this Division.

Edward E. Reich

cc: Richard Rhoads
Director, CPDD

Joseph Sableski, CPDD

bcc: Lou Paley

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

PN-110-80-04-18-034

APR 18 1980

OFFICE OF
AIR, NOISE, AND RADIATION

SUBJECT: Malfunction Regulations

FROM: David G. Hawkins, Assistant Administrator DH
for Air, Noise, and Radiation (ANR-443)

MEMO TO: Director, Air and Hazardous Materials Division, Regions I-X

The discussions at the weekly meeting of the Assistant Administrators to discuss policy issues associated with the Part D nonattainment plans have revealed a need to restate the Agency's current policy regarding exemptions from State Implementation Plan (SIP) emission limitations during periods of start-up, shutdown, and malfunction.

As a result of allegations that a malfunction provision, which was part of a Federally promulgated regulation affecting a nonferrous smelter, was more restrictive and inconsistent with various malfunction regulations approved by EPA as part of SIPs, this Agency committed to undertake a review of all State malfunction regulations. Consequently, a directive was issued to the Regional Offices on July 14, 1977 requesting all Regional Offices to review their respective SIP malfunction provisions and to take corrective action to remove unacceptable provisions from the Federally approved SIP. In a follow-up to the directive, the Office of Air Quality Planning and Standards (OAQPS) provided guidance on August 18, 1977 outlining the criteria that should be utilized in evaluating SIP malfunction provisions. In many cases, the review of such provisions has not been accomplished due to priorities and limited resources.

The Agency's malfunction policy was further defined in the manual entitled "Workshop on Requirements for Nonattainment Area Plans" which indicated that disapproval of malfunction provisions would not precipitate growth restrictions and funding cutoffs under Part D (since malfunction provisions are not a required element of a Part D plan) and that inappropriate malfunction provisions should be disapproved pursuant to Section 110 of the Clean Air Act. Again, as prior experience indicated, compliance with this Agency policy was a function of resources and priorities.

Despite this guidance, many State malfunction provisions remain inconsistent with EPA policy. To eliminate this problem, Regional

Offices should, during the review of nonattainment area plans, identify and disapprove inadequate start-up, shutdown, malfunction provisions submitted with nonattainment area plans. In addition, existing SIPs should be reviewed and inadequate malfunction provisions should be disapproved as soon as possible.

cc: Jeff Miller
Michele Beigel Corash

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

DATE: APR 8 1980

PN-110-80-04-08-032

SUBJECT: New Source Review Requirements for Lead

FROM: for Richard G. Rhoads, Director
Control Programs Development Division (MD-15)

TO: Director, Air and Hazardous Materials Division, Regions I-X

Recently, several Regions have requested guidance regarding new source review requirements for lead SIPs.

The "Supplementary Guidelines for Lead Implementation Plans" contains a brief outline of general SIP requirements. This outline discusses those portions of 40 CFR 51 regulations "Requirements for Preparation, Adoption, and Submittal of Implementation Plans" that were not revised to account for the lead standard, but which are still applicable to the lead SIPs. Specifically, the requirements of CFR 51.18 Review of New Sources and Modifications must be satisfied for lead SIPs.

Existing permitting regulations adopted in accordance with Section 51.18 may be applicable to lead depending on the specific exemptions included in the State's general permitting regulation. In general, the NSR requirement for lead SIPs may be satisfied by simply revising existing permit regulations to eliminate any exemption of sources which have the potential to emit five tons/year or more of lead.

The source size limit is based on the definition of a point source of lead which is five tons/year actual emissions of lead. The rationale for this limit is based on an analysis contained in the "Supplementary Guidelines for Lead Implementation Plans," pages 75-77. Briefly, this rationale indicates that sources which emit five tons/year of lead have the potential to violate the ambient standard for lead.

If you have any questions regarding new source review in lead SIPs, contact Susi Jackson (629-5365) of my staff.

cc: Chief, Air Branch, Regions I-X
Mike James, OGC
Ed Reich, DSSE

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D. C. 20460

PN-110-80-03-10-030

MAR 10 1980

Office of
Air, Noise, and Radiation

SUBJECT: Emission Offset Requirements in Secondary Standard Total Suspended Particulate Plans DH

FROM: David G. Hawkins, Assistant Administrator for Air, Noise, and Radiation

MEMO TO: Regional Administrator, Regions I-X

The purpose of this memorandum is to reiterate Agency policy regarding emission offset requirements in State Implementation Plans (SIPs) for areas in which only the secondary TSP standard is violated.

For TSP nonattainment areas violating the secondary standard only and where the Federal offset policy remains in effect, emission offsets are required for all major new sources permitted prior to approval of the SIP for that area. The Federal offset policy remains in effect during any extended time allowed under Section 110(B) for development and approval of a SIP revision for an area that violates the secondary standard only (44 FR 20379; April 4, 1979, and 44 FR 50600; August 29, 1979). If the Federal offset policy expires, however no major new sources may be permitted to commence construction prior to final approval of the SIP for the area impacted by the source. Following approval by EPA of the secondary standard SIP, emission offsets would no longer be required for any new source locating in or impacting a secondary standard nonattainment area dominated by agricultural and related fugitive dust sources if offsets from industrial sources are not reasonably available.

In order to assure thorough dissemination of Agency policy and procedures with regard to the requirements of Part D of the Act, I am having this memorandum published in the Federal Register.

cc: Director, Air and Hazardous Materials Division, Regions I-X
J. Miller
M. James

PN 110-80-01-10-023A

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

January 10, 1980

OFFICE OF ENFORCEMENT

MEMORANDUM

Subject: Alternate Procedure for Section 110(f) Relief in Localized, Short Term Energy Emergencies

From: Acting Assistant Administrator for Enforcement

Assistant Administrator for Air, Noise and Radiation

To: Regional Administrators
Regions I-X

Recent discussions with various state environmental and energy personnel have focused our attention on the inappropriateness of our current Section 110(f) guidance on procedures for obtaining Presidential emergency declarations and subsequent suspension of State Implementation Plan requirements necessitated by short term, localized situations where no alternative action appears to be adequate (e.g., harbor disruptions, unanticipated distributor delivery delays). The Section 110(f) mechanism is the only manner in which the Clean Air Act permits suspension of State Implementation Plan requirements, with the attendant release from federal liability for their violation, under energy emergency circumstances. Some of our existing procedures for handling Section 110(f) requests have occasionally proved too cumbersome relative to the immediacy of these short-term, localized energy problems.

Our staffs, in coordination with several regional and State officials, have developed the following procedures which we believe mitigate the existing problems while complying with the intent of Section 110(f) for these limited emergency situations. National or regional energy emergencies which are ineligible for the expedited approach described

below, remain subject to earlier guidance of March 6, and July 2, 1979. (Copies of these memoranda, as well as a sample Presidential declaration for short term emergencies falling within the scope of this guidance, are attached for your convenience.)

Applicability of Expedited Procedures

Expedited procedures are available only where relief necessary as a result of the emergency is anticipated to last less than 30 days, and is limited to a localized problem due to unavailability of conforming fuel. This expedited procedure may not be used for 110(f) petitions based on unusually high price differentials between conforming and nonconforming fuels; these petitions must conform to earlier guidance. All other energy emergency situations (e.g., a regional problem anticipated to last 2 or 3 months) require literal compliance with the statutory procedures of Section 110(f).

EPA will recommend that any Presidential declaration granted under these expedited procedures expire, by its own terms, no later than 30 days from issuance, and permit suspensions of SIP requirements only for those sources (including distributors where applicable) affected by the unavailability of conforming fuel. These expedited procedures are generally inappropriate where gubernatorial suspensions across an entire state or industry category are necessary.

I. Procedures for Expedited Relief

A. State Notice and Opportunity for Hearing Prior to Petition

Due to the short reaction time and short possible effective period of any suspension, public notice and opportunity for a hearing prior to a petition, while strongly encouraged, are not required for EPA to recommend a Presidential declaration. Such hearings are held to consider both the existence and extent of the emergency and the impacts of any suspensions which may be granted should an energy

emergency be declared. Where no opportunity for a hearing was offered prior to the Governor's petition to the President, EPA will recommend that any declaration be conditioned on the requirement that such hearings being held within 10 days after the declaration, and that such a declaration expire by its own terms if a hearing is not held within that time.

Should the state later determine that the emergency situation will or is likely to last longer than the 30 days covered by the declaration, an additional hearing, prior to the Governor's request for an extension of the Presidential declaration, is required.

B. The Governor's Petition to the President and Supporting Documentation

Due to the short time period for 110(f) relief effectiveness under these expedited procedures, an extensive petition to the President from the Governor is not needed; however, a written or telegraphic request from the Governor for the declaration, based on consultation with both State energy and environmental personnel, is required. A prior telephone communication from State staff to the appropriate EPA Regional Office, explaining the circumstances of the emergency and the forthcoming request, will expedite the procedure. A brief statement of the basis for the request, including the approximate number and types of sources affected, the apparent cause of the emergency, efforts made to alleviate the situation through other means and why those efforts are insufficient, a summary of available information on possible unemployment and/or loss of necessary residential energy supplies, and (wherever possible) a discussion of potential air quality impacts of anticipated suspensions, should accompany the Governor's request. A brief discussion of alternate measures for alleviation of the difficulty without emission increases (e.g., load shifting, conversion) should be included. If the petition is made without prior notice and opportunity for a hearing, the request should indicate why such notice and hearings could not be held prior to the request.

II. Subsequent Documentation and Air Quality Considerations

Additional documentation, including that collected through the public hearing, should be submitted to EPA as soon as possible after the hearing. This documentation should include detailed information on the topics addressed briefly in the petition as well as any air quality information, such as monitoring data and records of emissions from facilities granted suspensions during the period of the declaration. In addition, where unavailability of conforming fuel is involved, written documentation of source/distributor efforts to obtain conforming fuel must be submitted.

Many states have the capability of producing ambient air quality projections in a tight time frame, or have modeled sources and know the maximum allowable emissions which will protect air quality. States should be urged to perform any necessary air quality modeling and other environmental impact analyses before an energy emergency arises, in order to have this information quickly available.

III. EPA Involvement

EPA has two roles in the 110(f) process -- the statutory authority to disapprove gubernatorial suspensions and the responsibility for recommending action to the President on petitions for declarations of energy emergencies. To adequately perform its responsibilities, the Agency must maintain close communication with the state involved. The following communication patterns should be followed to assure expeditious EPA action:

1. Earliest possible telephone notification of the emergency should be made by the State to the EPA Regional office. The energy contact in the Regional office should immediately inform Jean Vernet of DSSE (FTS 755-2553) of this communication from the State, in order to expedite any response. Providing headquarters with names and telephone numbers of the involved State personnel (e.g., energy, evironmental, and public utility commission staff) has proven to be extremely useful, especially where the immediacy of the situation requires speedy information gathering.

2. A copy of the petition to the President should be sent to the Administrator, Attention: Edward Reich, Director, Division of Stationary Source Enforcement, at the same time as it is submitted to the President. A copy of the petition and all supporting data should be sent to the EPA Regional Office. This will eliminate the delay involved in transmittal from the White House, and will permit EPA to quickly prepare a recommendation and draft a declaration for signature of the President.

3. The EPA Regional office should be given notice of any state hearing. EPA will attend and participate to the extent a state requests and the Agency is able. Copies of transcripts of all hearings should be sent to the EPA Regional office.

4. Copies of all gubernatorial suspensions of SIP requirements, together with any supporting materials, should be sent to the EPA Regional office.

5. Copies of all source/distributor submittals should be sent to the EPA Regional Office directly by the source/distributor, if possible or by the State.

6. The State environmental and energy offices and the EPA Regional Office should maintain close communication throughout the energy emergency period, to monitor the existing situation and hopefully to foresee any additional, longer term or broader problems.

7. The energy emergency contact in the Regional Office should maintain close communication with DSSE to facilitate any necessary headquarters actions on the emergency.

Attachment

Jeffrey G. Miller

David G. Hawkins

SAMPLE

MEMORANDUM FOR THE ADMINISTRATOR OF THE

ENVIRONMENTAL PROTECTION AGENCY

Based on a request submitted to me by the Governor of _____, I hereby declare that a regional energy emergency exists in the State of _____ of such severity that temporary suspension of certain air pollution control regulations which apply to _____ under the _____ Air Quality Implementation Plan may be necessary, and that other means of responding to the energy emergency may be inadequate. This determination shall expire (30 days from issuance), and is made upon condition that the necessary hearings be held with ten days. If hearings are not held, this determination will expire (ten days from issuance).

If, during the emergency, I find that a regional energy emergency no longer exists in _____, I will direct that this determination be rescinded, and that all suspension orders issued by the Governor be

terminated on the day of that rescission. Please continue to work with State officials to monitor carefully the situation in _____ and to inform me if the emergency should cease to exist. You will continue to retain full authority to disapprove temporary suspension of regulations in _____ and to exercise your emergency powers authority under Section 303 of the Clean Air Act, when and if necessary.

While my determination permits the temporary suspension of certain emission limiting requirements, I urge Governor _____ to exercise caution in granting these suspensions, in order to protect, to the fullest extent possible, the public health and welfare. (This determination shall be published in the Federal Register.)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: 21 NOV 1979

PN-110-79-11-21-023

SUBJECT: Minimum Number of Samples for Determining Quarterly Average Lead Concentration

FROM: Richard G. Rhoads, Director
Control Programs Development Division, OAQPS (MD 15)

TO: Director, Air & Hazardous Materials Division, Regions I-X

In the preamble to the lead SIP regulations of October 5, 1978 (43 FR 46264), it was stated that EPA would provide guidance regarding the minimum number of valid samples needed to determine quarterly average lead concentrations. The preamble also cited the general practice that at least 75 percent of the scheduled samples must be valid in order to determine average concentrations. OAQPS has reviewed this issue and has concluded that the "75 percent rule" is appropriate for determining attainment with the NAAQS for lead. This means that, at the sampling frequency of one 24-hour sample every six days (15 samples per quarter), at least 12 valid lead samples must be available to determine whether a State is attaining the national standard.

This criterium applies to the review of existing data submitted as part of the original lead plan, as well as all future data collected through the required NAMS stations. In the event that situations arise where the minimum number of valid samples are not available, further guidance may be sought by contacting Mr. William Cox, Chief, Monitoring and Reports Branch at (FTS) 629-5312.

cc: Director, Surveillance & Analysis Division, Regions I-X
R. Neligan
W. Cox
T. Helms

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards

DATE: JUN 14 1979 Research Triangle Park, North Carolina 27711

PN-110-79-06-14-016

ECT: Lead SIPs

OM: G. T. Helms, Chief G.T. Helms
Control Programs Operations Branch, CPDD (MD-15)

TO: Air Branch Chief, Regions I-X

As you know, the SIP requirements for lead are set forth in 40 CFR Part 51, Subpart E, as promulgated on October 5, 1978. Questions have arisen concerning the interpretation of these requirements in those instances where no violations of the national ambient lead standard have been recorded since January 1, 1974, no significant lead point sources [as described in 40 CFR 51.80(a)] exist, and the State has no urbanized area with a 1970 population greater than 500,000.

In cases where such conditions exist, a plan submission is still required. This plan should minimally contain information pertaining to lead emissions data (Section 51.81) and air quality data (Section 51.82). It must be submitted by the State and demonstrate continued attainment (i.e., maintenance) of the standard for a minimum of three years. The specific information that should be contained in this type of plan is as follows:

1. A baseline emission inventory summarized in a form similar to Appendix D of 40 CFR Part 51. Stationary sources emitting five or more tons of lead per year must be included in such inventories. This inventory must also contain area sources and mobile sources. [Section 51.81 (a)]

2. Projected lead emissions for at least three years from the date by which EPA must approve or disapprove the plan. [Section 51.81(b)]

3. A summary of all lead air quality data measured since 1974 and an evaluation of the data for reliability and representativeness. [Section 51.82(a)]

4. A projection of maximum air quality concentrations based on projected emissions. [Section 51.82(c)]

If you have any questions concerning minimum SIP requirements for the above mentioned situations, please contact Susi Jackson at 629-5365.

cc: Jim Cahan, OGC

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
ANN ARBOR, MICHIGAN 48105

PN-110-78-07-17-007

JUL 17 1978

OFFICE OF
AIR AND WATER PROGRAMS

SUBJECT: Inspection/Maintenance Policy

FROM: David G. Hawkins, Assistant Administrator
for Air and Waste Management

DA

MEMO TO: Regional Administrators, Regions I - X

As you know, the Clean Air Act Amendments of 1977 set forth specific requirements for the implementation of motor vehicle inspection/maintenance (I/M) programs. Attached is a policy paper indicating what EPA will consider a minimally acceptable program wherever I/M is required by the Act. It should aid your efforts to provide for adequate I/M submissions for the State Implementation Plan (SIP) revisions of January 1, 1979. Please continue to contact me if problems in I/M implementation develop.

cc: Air and Hazardous Materials Division
Directors, Regions I, III - X
Environmental Programs Division Director,
Region II
Air Programs Branch Chiefs, Regions I - X

Policy for the Development and Implementation of Inspection/Maintenance Programs

The Clean Air Act Amendments of 1977 provide new direction for the development and implementation of motor vehicle inspection/maintenance (I/M) programs. If states are not able to demonstrate attainment of the standards for oxidant (Ox) or carbon monoxide (CO) by December 31, 1982, a specific schedule for the implementation of I/M must be included in the State Implementation Plan (SIP) revisions of January 1, 1979 for the plan to meet the requirements of Section 172. The general requirements for the I/M programs are set out in a February 24, 1978 memorandum from the EPA Administrator to the Regional Administrators (reprinted in the Federal Register on May 19, 1978, 43 F.R. 21673). The requirements, for these programs, are explained in more detail below.

A. I/M SIP Revision Development and the January 1, 1979, Submittal

In producing an I/M SIP revision, the states should provide for:

1. an analysis of the benefits and costs of the program;

2. a public information effort;

3. a legislative proposal; and

4. a schedule for I/M implementation.

A copy of suggested steps for development of the SIP revision is attached (Attachment 1). Before the January 1, 1979 submittal, the SIP revision must be adopted by the state air pollution control board or agency head as appropriate. As a part of the SIP revision submittal itself, there must be a commitment by the Governor to implement the I/M program according to the schedule submitted.*

---

*Sections 172(b)(7) and (10) provide that the plan revisions required for nonattainment areas shall —

(7) identify and commit the financial and manpower resources necessary to carry out the plan provisions required by this subsection; [Emphasis added]

and shall —

(10) include written evidence that the state, the general purpose local government or governments, or a regional agency designated by general purpose local governments for such purpose, have adopted by statute, regulation, ordinance, or other legally enforceable document, the necessary requirements and schedule and timetables for compliance, and are committed to implement and enforce the appropriate elements of the plan; [Emphasis added]

These plan elements should be prepared in accordance with the guidance on pages 186-188 of the Compilation of Presentations prepared by EPA's Office of Air Quality Planning and Standards (OAQPS) for the "Workshops on Requirements for Nonattainment Area Plans" February -March 1978 (pages 218-220 in the April 1978 edition).

B. The I/M Implementation Schedule

The specific items listed below must be included as a part of the States' I/M implementation schedules with specified dates for implementation of each item. The stringency planned for the program and other factors affecting the potential for emission reductions should also be indicated. Additional items if necessary because of local factors may be required by USEPA Regional Offices.

1. Initiation (or continuation) of public information program including publicizing the I/M program in the media, meeting and speaking with affected interest groups, etc.

2. Preparation of a draft legislative package and submittal of legislation package to legislature if additional legislative authority is needed.

3. Certification of adequate legal authority by appropriate state official.

4. Initial notification of garages explaining program and schedule of implementation.*

5. Development and issuance of RFPs.*

6. Award to contractor(s).*

7. Initiation of construction of facilities.*

8. Completion of construction of facilities.*

9. Adoption of procedures and guidelines for testing and quality control including emission analyzer requirements (and licensing requirements for private garages, if applicable*).

10. Notification of and explanation to garages of actions in step 9.*

11. Completion of equipment purchase and delivery of equipment.

12. Development and adoption of cutpoints.

13. Initiation of hiring and training of inspectors or licensing of garages.*

14. Initiation of introductory program (voluntary maintenance with either voluntary or mandatory inspection) if not previously initiated.

15. Initiation of mechanics training and/or information program.

16. Initiation of mandatory inspection.

17. Initiation of mandatory repair for failed vehicles.

If certification of adequate legal authority occurs after January 1979, the States may modify previous commitments to implement and enforce the elements of the schedule to conform to the legal authority.** These modifications will be approved by the EPA Regional Offices and must be consistent with the Administrator's February 24, 1978, policy memorandum. The documents should be submitted to the EPA Regional Offices for inclusion in the SIP revisions already submitted by January 1, 1979. Any necessary adjustments to the schedule may be made at this time but must be approved by the EPA Regional Offices.

C. Authority to Implement I/M

Normally, adequate legal authority to implement a SIP revision must exist for a revision to be approved. Where a legislature has had adequate opportunity to adopt enabling legislation before January 1, 1979, the Regional Administrator should require certification that adequate legal authority exists for I/M implementation by January 1, 1979. However, for many states there will be insufficient opportunity to obtain adequate legal authority before their legislatures meet in early 1979. Therefore, a certification of legal authority for the implementation of I/M in these states must be made no later than June 30, 1979. An extension to July 1, 1980, is possible, but only when the state can demonstrate that (a) there was insufficient opportunity to conduct necessary technical analyses and/or (b) the legislature has had no opportunity to consider any necessary enabling legislation for inspection/ maintenance between enactment of the 1977 Amendments to the Act and June 30, 1979. Certification of adequate legal authority, or other evidence that legal authority has been adopted, must be submitted to the EPA Regional Offices to be included in the SIP revision already submitted. Failure to submit evidence of legal authority by the appropriate deadline will constitute a failure to submit an essential element of the SIP, under Sections 110(a)(2)(I) and 176(a) of the Act.

*Dependent on type of system chosen (state-run centralized, contractor centralized, or decentralized).

**See footnote on page 1.

Prior to the respective deadlines for initiating mandatory inspection and mandatory repair of failed vehicles, the state, local government, or regional agency should adopt whatever legally enforceable requirements are necessary to ensure that vehicles are not used unless they comply with the inspection/maintenance requirements. Written evidence of adoption of these requirements should be submitted to the EPA Regional Offices, to be included in the SIP revision already submitted by January 1, 1979.*

D. I/M Implementation Deadlines

Implementation of I/M "as expeditiously as practicable" shall be defined as implementation of mandatory repair for failed vehicles no later than two and a half years after passage of needed legislation or certification of adequate legal authority for new centralized systems and one and a half years after legislation or certification for decentralized systems or for centralized systems which are adding emission inspections to safety inspections. For the normal legislation deadline of June 30, 1979, new centralized programs must start by December 31, 1981, and all others must start by December 31, 1980. For the case of the latest possible legislation date, July 1, 1980, this means that a new centralized program must start by December 31, 1982, while all other programs must start by December 31, 1981. Where I/M can be implemented more expeditiously, it must be. Each state implementation schedule must be looked at individually to determine if it is as expeditious as practicable. Implementation dates ordered by courts, if earlier than these dates, take precedence.

E. Geographic Coverage

I/M should focus on metropolitan areas and should include the entire urbanized area and adjacent fringe areas of development. Boundaries of the area affected may be adjusted if an equivalent emission reduction is achieved. For urbanized areas of 200,000 population or greater which need I/M to obtain an extension of the 1982 attainment date, full mandatory I/M must be implemented by the deadlines indicated above. Statewide programs are encouraged, especially for those states which are small and highly urbanized.

It should be emphasized that all nonattainment areas must have SIPs which are adequate to attain and maintain the National Ambient Air Quality Standards (NAAQS) by 1982 or by no later than 1987 should an acceptable nonattainment demonstration be made. For areas under 200,000, EPA will not at this time automatically require I/M schedules in 1979 as a condition for SIP approval or an extension. However, areas under 200,000 still have to attain and maintain NAAQS as expeditiously as practicable, and I/M is encouraged as a means of helping to provide for an adequate SIP. EPA will review the need for I/M in areas under 200,000 after the 1979 SIP revisions are submitted, and will consider additional requirements at that time.

---

*See footnote on page 1.

. Emission Reductions Required for I/M

I/M programs must produce at least a 25 percent reduction in light duty vehicle (LDV) exhaust emissions of hydrocarbons and a 25 percent reduction in LDV emissions of carbon monoxide by December 31, 1987, compared to what emissions would be without I/M on the basis of the most recent motor vehicle emission factors. However, the choices of stringency factor to be used and other actions affecting the potential for emission reduction should be made by the states. States should of course be encouraged to develop programs which produce more emission reduction when possible. The final revision to Appendix N (40 C.F.R., Part 51) when promulgated (along with its minimum program requirements) should be used to determine if the program described in the implementation schedule will meet the minimum 25 percent CO/25 percent HC criterion. Should a program not need to be this stringent to attain and maintain the NAAQS by 1982, the I/M program need be only as stringent as needed to assure conformity with NAAQS. Should a state want to emphasize control of one particular pollutant at the expense of the other, the plan for such an I/M program must be submitted to the appropriate EPA Regional Office for approval.

G. Minimum Program Requirements

In addition to the emission reduction requirement above, all I/M programs must:

1. provide for regular periodic inspections of all vehicles for which emission reductions are claimed;*

2. provide for maintenance and retesting of failed vehicles to provide for compliance with applicable emission standards;

3. prohibit registration or provide some equally effective mechanism to prevent vehicles which do not comply with the applicable exhaust emission requirements from operating on public roads;

4. provide for quality control regulations and procedures for the inspection system including:

*Random roadside checks, while a useful addition to an I/M program, are not an acceptable substitute for regular periodic inspections.

a. minimum specifications for emission analyzers

b. required calibrations of all types on analyzers and

c. minimum record keeping;

5. provide for either a mechanics training program or a program to inform the public of service establishments with approved emission analyzers; and

6. inform the public of the reason for the I/M program plus the locations and hours of inspection stations.

Decentralized systems must also comply with the following requirements.

1. All official inspection facilities must be licensed. Provisions for the licensing of inspection facilities must insure that the facility has obtained, prior to licensing, analytical instrumentation which has been approved for use by the appropriate state, local, or regional government agency. A representative of the facility must have received instructions in the proper use of the instruments and in vehicle testing methods and must have demonstrated proficiency in these methods. The facility must agree to maintain records and to submit to inspection of the facility. The appropriate government agency must have provisions for penalties for facilities which fail to follow prescribed procedures and for misconduct.

2. Records required to be maintained should include the description (make, year, license number, etc.) of each vehicle inspected, and its emissions test results. Records must also be maintained on the calibration of testing equipment.

3. Summaries of these inspection records should be submitted on a periodic basis to the governing agency for auditing.

4. The governing agency should inspect each facility periodically to check the facilities' records, check the calibration of the testing equipment and observe that proper test procedures are followed.

5. The governing agency should have an effective program of unannounced/unscheduled inspections both as a routine measure and as a complaint investigation measure. It is also recommended that such inspections be used to check the correlation of instrument readings among inspection facilities.

6. The governing agency should operate a "referee" station where vehicle owners may obtain a valid test to compare to a test from a licensed station. At least one "referee" station must be present in each I/M metropolitan area.

Attachment 1
Suggested I/M Milestones

1. Complete plan for preparing and implementing I/M SIP revision including:

   a. technical analysis

   b. public information program

   c. development of necessary legislation

   d. development of I/M implementation schedule.

2. Complete technical analysis including:

   a. emission reduction benefits

   b. fuel economy benefits

   c. costs.

3. Complete elements of a continuing public information program including:

   a. further publicity concerning oxidant (and/or carbon monoxide) episodes

   b. meeting with and speaking to affected interest groups (including the public and public officials)

   c. news releases.

4. Complete development of legislative proposals.

5. Complete development of I/M implementation schedule.

6. Receive approval of I/M, including implementation schedule, from air pollution control board or agency head as applicable and introduce into state legislature.

7. Submit SIP revision for I/M, including implementation schedule, to EPA (due no later than January 1, 1979).

8. Obtain legal authority needed to implement I/M (required by July 1, 1979, with some exceptions allowed until July 1, 1980).

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: MAR 24 1978

SUBJECT: Plans under Section 111(d) of the Clean Air Act

PN-110-78-03-24-003

FROM: Richard G. Rhoads, Director
Control Programs Development Division

TO: Director, Air and Hazardous Materials Division, Regions I, III-X
Director, Environmental Programs Division, Region II

A question has been raised concerning Section 111(d) plans and their relationship to the State implementation plan (SIP). Specifically, it was asked whether a State is required to develop and submit a plan under Section 111(d) to control a facility if the facility is currently controlled by the SIP to a degree equivalent to that of the Section 111(d) requirements.

The State must submit under Section 111(d) a separate control plan for designated facilities as outlined under 40 CFR 60, Subpart B - Adoption & Submittal of State Plans for Designated Facilities. However, certain plan requirements can be fulfilled by referencing the appropriate provision found in the State's approved SIP. Section 111(d) plan requirements which can be fulfilled in this manner are found in 40 CFR 60.25(d) and 40 CFR 60.26(b).

Section 60.25(d) of Title 40 of the Code of Federal Regulations states that the provisions for monitoring the status of compliance with applicable emission standards; provisions for correlation of this monitoring data with applicable emission standards; and provisions for making the data available to the public may be included in the 111(d) plan by referencing the appropriate provision in the SIP. In addition, when employing this approach, the State must make a demonstration that the SIP provision being referenced applies to the designated pollutant(s) for which the Section 111(d) plan is being submitted and that the Section 111(d) plan requirements of Section 60.25 are, in fact, met.

Section 60.26(b) of Title 40 of the Code of Federal Regulations states that laws or regulations which provide authority to carry out the Section 111(d) plan need not be directly submitted with the plan if the legal authority to do so has been approved as part of the existing SIP and the State demonstrates that the laws or regulations are applicable to the designated pollutant(s) for which the 111(d) plan is being submitted. The approved SIP provision must be specifically identified in the Section 111(d) plan to satisfy this requirement.

The requirements listed under Section 60.25(b & c) and Section 60.26(a) are the only Section 111(d) plan requirements which may be satisfied by referencing the appropriate approved SIP provision. However, we believe any emission standards which have been included in the officially approved SIP can also be included in the Section 111(d) plan by reference, provided that the State makes demonstrations similar to those identified in Section 60.25 and Section 60.26. All other requirements must be specifically spelled out in the Section 111(d) plan.

Finally, it should be noted that hearing requirements can be waived, pursuant to Section 60.23(c)(3), if certain criteria are met. All the requirements for Section 111(d) plans, including those which can be fulfilled by referencing the appropriate portion of the Section 110 SIP, are summarized in a checklist found in No. 1.2-072 of the OAQPS Guideline Series, Requirements and Procedures for Implementing Section 111(d). This was sent to you in March, 1977, and should prove helpful to States when they develop their 111(d) plans. I hope these comments adequately respond to your needs; however, if I can be of any further assistance, please feel free to call.

cc: W. Spratlin
D. Tyler
J. Sableski
J. Farmer
L. Wegman

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D C 20460

PN-110-78-02-24-002

OFFICE OF
AIR AND WASTE MANAGEMENT

FEB 24 1978

SUBJECT: Criteria for Approval of 1979 SIP Revisions

FROM: The Administrator (A-100)

TO: Regional Administrators, I-X

The attachment to this memo summarizes the elements which a 1979 State Implementation Plan (SIP) revision for a non-attainment area must contain in order to be approved by EPA as meeting the requirements of Part D of the Clean Air Act.

In summary, the Act requires the demonstration of attainment of the air quality standards (primary and secondary) as expeditiously as practicable, but in the case of national primary standards not later than December 31, 1982. However, for carbon monoxide (CO) and oxidants (Ox), if the State can demonstrate attainment is not possible by 1982 despite the implementation of all reasonable stationary source and transportation control measures, the Act provides for up to a five-year extension. In those cases the plan revisions must demonstrate attainment as expeditiously as practicable but no later than December 31, 1987. The extension is not automatic; a demonstration of need must be made and the State must fulfill the other statutory requirements.

It is the intent of the Agency to establish reasonable and achievable goals for SIP submissions and to take a firm posture on the imposition of sanctions where the reasonable goals are not achieved. Accordingly, while the policy requires a commitment to many specific strategies in the 1979 submissions (e.g., RACT on stationary sources, inspection/maintenance programs where attainment for carbon monoxide or oxidants extends beyond 1982, other reasonable transportation control measures, etc.) the memo also requires (for carbon monoxide and oxidants) a commitment to a continuing process. This process must be one which extensively involves the public as well as State and local elected officials and which ambitiously pursues a wide range of alternatives.

Since reliance on stationary controls and Federal new car standards alone will not enable most areas with oxidant and carbon monoxide problems to attain these standards by 1982, each Regional Office will need to put particular emphasis on additional measures to reduce transportation system emissions. The process committed to in the 1979 plan submission must lead to the expeditious selection and implementation of comprehensive transportation control measures. In judging the adequacy of the 1979 plan submission for the transportation sector, each Regional Administrator should ensure that ambitious alternatives (as described in the draft "Transportation Planning Guidelines" which have been circulated) will be analyzed.

The Department of Transportation (DOT), Housing and Urban Development (HUD) and EPA are seeking to integrate the transportation/air quality planning and implementation required by the Clean Air Act into existing planning and programming procedures. The air planning activities should be included in the Unified Work Program required by DOT and the adopted transportation measures should be included in the Transportation Improvement Program required by DOT. In complying with the Clean Air Act requirements, the Regions should also keep in mind the requirements of the HUD-EPA Agreement which provides for coordination of air quality planning and planning assisted under the HUD Comprehensive Planning Assistance (701) Program. Integration of air and transportation planning with comprehensive planning which incorporates growth management concerns should improve the effectiveness of air quality planning and could reduce the need for enforcement measures in the future.

States will be provided some discretion regarding the amount of emissions growth to be accommodated within the SIP. EPA generally will not question the growth rates desired by the State so long as reasonable further progress is demonstrated and there is a demonstration of attainment by the statutory deadline (1982 or 1987). However, the growth rate identified in the SIP must be consistent with growth rates used (or implied by) other planning programs in the area (e.g., FWPCA §208, 201, HUD §701, FHWA §134).

You should note that there are other SIP revisions which are not discussed in the attachment but which are required by the 1977 Amendments. These include:

1. Section 128 (relating to State boards)

2. Section 126 (relating to interstate pollution)

3. Section 127 (relating to public notification)

4. Part C (relating to prevention of significant deterioration)

5. Section 110(a)(2)(K) (relating to permit fees)

6. Section 123 (relating to stack heights for existing source in other than non-attainment areas)

7. Section 121 (relating to consultation)

Although incorporation of these provisions is required by the law, failure to achieve final approval by July 1, 1979 does not trigger the new source prohibition of Section 110(a)(2)(I).

It is important to emphasize to the States that all current SIP requirements remain in effect despite the development of the 1979 revisions. Any suspension or discontinuance of an existing SIP provision must be submitted for EPA approval. This should be done as part of the revision submitted in January 1979. Exceptions to this procedure may be found in certain new provisions of §110 relating to reduction of on-street parking, bridge tolls, and other measures.

The development of the January 1979 SIPs to meet the minimum requirements of the Clean Air Act Amendments of 1977 is a complex and demanding program. It will require the commitment of significant resources on the part of the air programs staff of the Regional Office to ensure that the States develop and submit a comprehensive and approvable plan. We are working with your staff to develop the necessary guidance and follow-up programs which will assist your office and the State to carry out this very difficult but important part of the overall air program.

Attachment

cc: Air & Hazardous Division Directors
Air Branch Chiefs

Criteria for Approval of 1979 State Implementation Plan Revisions for Non-Attainment Areas

Purpose

The purpose of this document is to define the criteria by which State Implementation Plan (SIP) revisions for non-attainment areas required by the Clean Air Act Amendments of 1977 (the Act) will be approved. These revisions are to be submitted to EPA by January 1, 1979.

Categories of SIP Revisions

SIP revisions submitted by January 1, 1979 can be divided into two categories:

1. Those which provide for attainment of the Primary Ambient Air Quality Standards (primary standards) for all criteria pollutants on or before December 31, 1982.

2. Those which provide for attainment of the primary standards for sulfur dioxide, nitrogen oxides, and particulate matter on or before December 31, 1982 but show that despite the implementation of all reasonable transportation and stationary source emission control measures attainment of the primary standards for carbon monoxide and/or oxidants cannot be achieved until after this date. In these cases, the revisions must demonstrate attainment as expeditiously as practicable but no later than December 31, 1987.

In order for an adequate SIP revision to fall into the second category, the State has an affirmative responsibility to demonstrate to the satisfaction of EPA that attainment of the primary carbon monoxide and/or oxidants standards is not possible in an area prior to December 31, 1982.

It should be noted that SIP revisions of either category should also provide for attainment of Secondary Ambient Air Quality Standards (secondary standards) as expeditiously as practicable although there is no specific deadline contained in the Act.

General Requirements of All 1979 SIP Revisions

Each 1979 SIP revision must contain the following:

1. A definition of the geographic areas for which control strategies have been or will be developed. Consideration should be given to the practical benefits of defining areas which correspond whenever possible to those substate districts established pursuant to Part IV, Attachment A of OMB Circular No. A-95.

2. An accurate, comprehensive, and current (1977 calendar year) inventory of existing emissions.

3. A determination of the level of control needed to demonstrate attainment by 1982 (including growth). This demonstration should be made by the application of modeling techniques as set forth in EPA's Guideline on Air Quality Models. For oxidants, any legitimate modeling technique (e.g., those referenced in "Use, Limitation and Technical Basis of Procedures for Quantifying Relationships Between Photochemical Oxidants and Precursors." EPA 450/2-77-021a. November 1977) can be used. Consideration of background and transport for oxidants should generally be in accordance with the procedures documented in "Procedures for Quantifying Relationships Between Photochemical Oxidants and Precursors." In developing photochemical oxidant control strategies for a particular area, states may assume at a minimum that the standard will be attained in adjacent states.

If a state can demonstrate that the level of control necessary for attainment of the primary standards for carbon monoxide and/or oxidant is not possible by 1982 despite the application of all reasonable measures, an extension past 1982 (but not beyond 1987) is authorized.

4. Adoption in legally enforceable form[1] of all measures necessary to provide for attainment by the prescribed date or, where adoption of all such measures by 1979 is not possible, (e.g., certain transportation control measures, and certain measures to control the oxides of nitrogen and total suspended particulate) a schedule for expeditious development, adoption, submittal, and implementation of these measures. The situations in which adoption of measures may be scheduled after 1979 are discussed in the pollutant specific sections of this document. Each schedule must provide for implementation of all reasonably available control measures as expeditiously as practicable. During the period prior to attainment, these measures must be implemented rapidly enough to provide at a minimum for reasonable further progress (see discussion

---

[1]Written evidence that the State, the general purpose local government or governments, or a regional agency designated by general purpose local governments for such purpose, have adopted by statute, regulation, ordinance or other legally enforceable document, the necessary requirements and schedules and timetables for compliance, and are committed to implement and enforce the appropriate elements of the plan. The relevant organizations shall provide evidence that the legally enforceable attainment measures and the "criteria, standards and implementing procedures necessary for effectively guiding and controlling major decisions as to where growth shall and shall not take place," prepared by State and local governments in compliance with Section 701 of the Housing Act of 1954, as amended, are fully coordinated in the attainment and maintenance of the NAAQS.

below). Each schedule will be considered part of the applicable implementation plan and thus will represent a commitment on the part of the State to meet the key milestones set forth in the submitted schedule.

5. Emission reduction estimates for each adopted or scheduled control measure or for related groups of control measures where estimates for individual measures are impractical. It is recognized that reduction estimates may change as measures are more fully analyzed and implemented. As such estimates change, appropriate responses will be required to insure that the plan remains adequate to provide for attainment and for reasonable further progress.

6. Provision for reasonable further progress toward attainment of the primary and secondary standards in the period prior to the prescribed date for attainment. Reasonable further progress is defined as annual incremental reductions in total emissions (emissions from new as well as existing sources) to provide for attainment by the prescribed date. The plan shall provide for substantial reductions in the early years with regular reductions thereafter.

Reasonable further progress will be determined for each area by dividing the total emission reductions required to attain the applicable standard by the number of years between 1979 and the date projected for attainment (not later than 1987). This is represented graphically by a straight line drawn from the emissions inventory submitted in 1979 to the allowable emissions on the attainment date. However, EPA recognizes that some measures cannot result in immediate emission reduction. Therefore, if a State can show that some lag in emissions reduction is necessary, a SIP will be acceptable even though reductions sufficient to produce decreases at the "straight-line rate" are not achieved for a year or two after 1979. This lag in achieving the "straight-line rate" for emissions reduction is to be accepted only to accommodate the time required for compliance with the first set of regulations adopted on or before January 1, 1979, if immediate compliance is not possible. It does not authorize delays in adoption of control requirements.

The requirement to demonstrate reasonable further progress will, in most areas designated non-attainment for oxidant or carbon monoxide, necessitate a continuous, phased implementation of transportation control measures. In areas where attainment of all primary ambient standards by 1982 is not possible EPA will not accept mere reliance on the Federal Motor Vehicle Control Program by itself as a demonstration of reasonable further progress.

In determining "reasonable further progress", those emission reductions obtained from compliance between August 7, 1977, and December 31, 1979, with (1) SIP revisions that have been submitted after August 7, 1977, and (2) regulations which were approved by the Agency prior to the enactment of the 1977 Clean Air Amendments, can be treated as having been achieved during 1979. There should be an assurance, however, that these are real emission reductions and not just "paper" ones.

7. An identification and quantification of an emissions growth increment which will be allowed to result from the construction and operation of major new or modified stationary sources within the area for which the plan has been developed. Alternatively, an emissions offset regulation can be adopted to provide for major new source growth.

The growth rates established by states for mobile sources and new minor stationary sources should also be specified, and in combination with the growth associated with major new or modified stationary sources will be accepted so long as they do not jeopardize the reasonable further progress test and attainment by the prescribed date. However, the growth rate identified in the SIP must be consistent with the growth rates used (or implied by) the other planning programs in the area (e.g., FWPCA Section 208 [201], HUD Section 701, FHWA Section 134). A system for monitoring the emission growth rates from major and minor new stationary sources and from transportation sources and assuring that they do not exceed the specified amounts must also be provided for in the revision.

8. Provision for annual reporting on the progress toward meeting the schedules summarized in (4) above as well as growth of mobile sources, minor new stationary sources, major new or modified stationary sources, and reduction in emissions from existing sources to provide for reasonable further progress as in (6) above. This should include an updated emission inventory.

9. A requirement that permits be issued for the construction and operation of new or modified major sources in accordance with Section 173 and 110(a)(2)(D).

10. An identification of and commitment to the financial and manpower resources necessary to carry out the plan. The commitment should be made at the highest executive level having responsiblity for SIP or that portion of it and having authority to hire new employees. This commitment should include written evidence that the State, the general purpose local government or governments, and all state, local or regional agencies have included appropriate provision in their respective budgets and intend to continue to do so in future years for which budgets have not yet been finalized, to the extent necessary.

11. Evidence of public, local government, and state legislative involvement and consultation. It shall also include an identification and brief analysis of the air quality, health, welfare, economic, energy, and social effects of the plan revisions and of the alternatives considered by the State, and a summary of the public comment on such analysis.

12. Evidence that the SIP was adopted by the state after reasonable notice and public hearing.

Additional Requirements for Carbon Monoxide and Oxidant SIP Revisions which Provide for Attainment of the Primary Standards Later than 1982

For those SIP revisions which demonstrate that attainment of the primary standards for carbon monoxide and/or oxidants is not possible in an area prior to December 31, 1982 despite the implementation of all reasonable emission control measures the following items must be included in the January 1, 1979 submission in addition to all the general requirements listed above:

1. A program which requires prior to issuance of any permit for construction or modification of a major emitting facility an analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source which demonstrates that benefits of the proposed source significantly outweigh the environmental and social cost imposed as a result of its location, construction, or modification.

2. An inspection/maintenance program or a schedule endorsed by and committed to by the Governor for the development, adoption, and implementation of such a program as expeditiously as practicable. Where the necessary legal authority does not currently exist, it must be obtained by June 30, 1979. Limited exceptions to the requirement to obtain legal authority by June 30, 1979 may be possible if the state can demonstrate that (a) there was insufficient opportunity to conduct necessary technical analyses and/or (b) the legislature has had no opportunity to consider any necessary enabling legislation for inspection/maintenance between enactment of the 1977 Amendements to the Act and June 30, 1979. In addition, where a legislature has adequate opportunity to adopt enabling legislation before January 1, 1979, the Regional Administrator should require submission of such legal authority by January 1, 1979. In no case can the schedule submitted provide for obtaining legal authority later than July 1, 1980.

Actual implementation of the inspection/maintenance program must proceed as expeditiously as practicable. EPA considers two and one half years from the time of legislative adoption to be the maximum time required to implement a centralized inspection/maintenance program and one and one half years to implement a decentralized program. In no case may implementation of the program, i.e., mandatory inspection and mandatory repair of failed vehicles be delayed beyond 1982 in the case of a centralized program (either state lanes or contractor lanes) or beyond 1981 in the case of a decentralized (private garage) system.

3. A commitment by the responsible government official or officials to establish, expand, or improve public transportation measures to meet basic transportation needs as expeditiously as is practicable.

4. A commitment to use insofar as is necessary Federal grants, state or local funds, or any combination of such grants and funds as may be consistent with the terms of the legislation providing such grants and funds, for the purpose of establishing, expanding or improving public transportation measures to meet basic transportation needs.

Note that HUD has prepared guidelines for local development codes and ordinances to provide special requirements for areas which for significant periods of time may exceed the primary standards. These guidelines specify criteria for new construction operation of buildings which minimize pollutant concentrations to ensure a healthy indoor and outdoor environment. States are encouraged to adopt such measures as part of the SIP.

Pollutant Specific Requirements

Sulfur Dioxide

Specifically, with regard to item (4) of the General Requirements, the January 1979 plan revisions dealing with sulfur dioxide must contain all the necessary emission limitations and legally enforceable procedures to provide for attainment by no later than December 31, 1982 (i.e., schedules for the development, adoption, and submittal of regulations will not be acceptable).

Nitrogen Oxides

For NO_x, the January 1979 plan must contain all the necessary emission limitations and the legally enforceable procedures, or as a minimum, the appropriate schedules to adopt and submit the emission limitations and legally enforceable procedures which provide for implementation so that standards will be attained by no later than December 31, 1982. EPA is currently evaluating the need for a short term NO_2 standard and expects to promulgate such a standard during 1978. If such a standard for air quality is promulgated, a new and separate SIP revision will be required for this pollutant.

Particulate Matter

The January 1979 plan revisions dealing with particulate matter must contain all the necessary emission limitations and legally enforceable procedures for traditional sources. These emission limitations and enforceable procedures must provide for the control of fugitive emissions, where necessary, as well as stack emissions from these stationary sources. Where control of non-traditional sources (e.g., urban fugitive dust, resuspension, construction, etc.) is necessary for attainment, the plan shall contain an assessment of the impact of these sources and a commitment on the part of the state to adopt appropriate control measures. This commitment shall take the form of a schedule to develop, submit, and implement the legally enforceable procedures, and programs for controlling non-traditional particulate matter sources. These schedules must include milestones for evaluating progress and provide for attainment of the primary standards by no later than December 31, 1982, and attainment of the secondary standards as expeditiously as practicable. States should initiate the necessary studies and demonstration projects for controlling the non-traditional sources as soon as possible.

Carbon Monoxide and Oxidant

An adequate SIP for oxidant is one which provides for sufficient control of volatile organic compounds (VOC) from stationary and mobile sources to provide for attainment of the oxidant standard. Accordingly, the 1979 plan revision must set forth the necessary emission limitations and schedules to obtain sufficient control of VOC emissions in all non-attainment areas. They must be directed toward reducing the peak concentrations within the major urbanized areas to demonstrate attainment as expeditiously as practicable but in no case later than December 31, 19 This should also solve the rural oxidant problem by minimizing VOC emissions and more importantly oxidants that may be transported from urban to rural areas. The 1979 submission must represent a comprehensive strategy or plan for each non-attainment area; plan submissions that address only selected portions of non-attainment are not adequate.

For the purpose of oxidant plan development, major urban areas are those with an urbanized population of 200,000 or greater (U.S. Bureau of Census, 1970). A certain degree of flexibility will be allowed in defining the specific boundaries of the urban area. However, the areas must be large enough to cover the entire urbanized[2] area and adjacent fringe areas of development. For non-attainment urban areas, the highest pollutant concentration for the entire area must be used in determining the necessary level of control. Additionally, uniform modeling techniques must be used throughout the non-attainment urban area. These requirements apply to interstate as well as intrastate areas.

Adequate plans must provide for the adoption of reasonably available control measures for stationary and mobile sources.

For stationary sources, the 1979 oxidant plan submissions for major urban areas must include, as a minimum, legally enforceable regulations to reflect the application of reasonably available control technology (RACT)[3] to those stationary sources for which EPA has published a Control Techniques Guideline (CTG) by January 1978, and provide for the adoption and submittal of additional legally enforceable RACT regulations on an annual basis beginning in January 1980, for those CTGs that have been published by January of the preceeding year.

For rural non-attainment areas, the Ox plan must provide the necessary legally enforceable procedures for the control of large HC sources (more than 100 ton/year potential emissions) for which EPA has issued a CTG by January 1978, and to adopt and submit additional legally enforceable procedures on an annual basis beginning in January 1980, after publication of subsequent CTGs as set forth above.

For mobile sources in urbanized area (population 200,000) SIPs must provide for expeditious implementation of reasonably available control measures. Each of the measures for which EPA will publish information documents during 1978 is a reasonably available control measure. These measures are listed on the following page:

---

[2]As defined by the U.S. Bureau of Census, urbanized area generally include core cities plus any closely settled suburban areas.

[3]While it is recognized that RACT will be determined on a case-by-case basis, the criteria for SIP approval rely heavily upon the information contained in the CTG. Deviations from the use of the CTG must be adequately documented.

1. To be published by February 1978

   a. inspection/maintenance
   b. vapor recovery
   c. improved public transit
   d. exclusive bus and carpool lanes
   e. area wide carpool programs

2. To be published by August 1978

   a. private car restrictions
   b. long range transit improvements
   c. on street parking controls
   d. park and ride and fringe parking lots
   e. pedestrian malls
   f. employer programs to encourage car and van pooling, mass transit, bicycling and walking
   g. bicycle lanes and storage facilities
   h. staggered work hours
   i. road pricing to discourage single occupancy auto trips
   j. controls on extended vehicle idling
   k. traffic flow improvements
   l. alternative fuels or engines and other fleet vehicle controls
   m. other than light duty vehicle retrofit
   n. extreme cold start emission reduction programs

The above measures (either individually or combined into packages of measures) should be analyzed promptly and thoroughly and scheduled for expeditious implementation. EPA recognizes that not all analyses of every measure can be completed by January 1979 and, where necessary, schedules may provide for the completion of analyses after January 1, 1979 as discussed below. (If analysis after January 1979 demonstrates that certain measures would be unnecessary or ineffective, a decision not to implement such measures may be justifiable. However, decisions not to implement measures will have to be carefully reviewed to avoid broad rejections of measures based on conclusory assertions of infeasibility.)

As described previously, annual incremental reductions in total emissions must occur in order to achieve reasonable further progress during the period prior to attainment of the standards. Therefore, not all transportation measure implementation activities should wait until the comprehensive analyses of control measures are completed. Demonstration studies are important and should accompany or precede

full scale implementation of the comprehensive strategy. It is EPA's policy that each area will be required to schedule a representative selection of reasonable transportation measures (as listed above) for implementation at least on a pilot or demonstration basis prior to the end of 1980.

Every effort must be made to integrate the air quality related transportation plan and implementation required by the Clean Air Act into planning and programming procedures administered by DOT. EPA will publish "Transportation Planning Guidelines" which will, if followed carefully, insure that an adequate transportation planning process exists.

EPA recognizes that the planning and implementation of very extensive air quality related transportation measures can be a complicated and lengthy process, and in areas with severe carbon monoxide or oxidant problems, completion of some of the adopted measures may extend beyond 1982. Implementation of even these very extensive transportation measures, however, must be initiated before December 31, 1982.

In the case of plan revisions that make the requisite showing to justify an extension of the date for attainment, the portion of the 1979 plan submittal for transportation measures must:

1. Contain procedures and criteria adopted into the SIP by which it can be determined whether the outputs of the DOT Transportation planning process conform to the SIP.

2. Provide for the expeditious implementation of currently planned reasonable transportation control measures. This includes reasonable but unimplemented transportation measures in existing SIPs and transportation controls with demonstrable air quality benefits developed as part of the transportation process funded by DOT.

3. Present a program for evaluating a range of alternative packages of transportation options that includes, as a minimum, those measures listed above for which EPA will develop information documents. The analyses must identify a package of transportation control measures to attain the emission reduction target ascribed to it in the SIP.

4. Provide for the evaluation of long range (post-1982) transportation and growth policies. Alternative growth policies and/or development patterns must be examined to determine the potential for modifying total travel demand. One of the growth alternatives evaluated should be that prepared in response to Section 701 of the Housing Act of 1954, as amended.

5. Include a schedule for analysis and adoption of transportation control measures as expeditiously as practicable. The comprehensive analysis of alternatives (item 2 above) must be completed by July 1980 unless the designated planning agency can demonstrate that analysis of individual components (e.g., long range transit improvements) may require additional time. Adopted measures must be implemented as expeditiously as practicable and on a continuous schedule that demonstrates reasonable further progress from 1979 to the attainment date. Determinations of the reasonableness of a schedule will be based on the nature of the existing or planned transportation system and the complexity of implementation of an individual measure.

Additional Carbon Monoxide and Oxidant Monitoring Requirements

It is EPA's policy to require that all SIPs which provide for attainment of the oxidant standard after December 31, 1982, must contain commitments to implement a complete oxidant monitoring program in major urbanized areas in order to adequately characterize the nature and extent of the problem and to measure the effectiveness of the control strategy for oxidants. The 1979 plan submittal must provide for a schedule to conduct such CO monitoring as necessary to correct any deficiencies as identified by the Regional Office.

SIPs for Unclassified Areas Redesignated Non-Attainment

With respect to unclassified areas which are later found to be non-attainment areas the state will be required to submit a plan within nine months of the non-attainment determination. During plan development, the state will be required to implement the offset policy for that area. However, it should be noted that in many cases, because of previous plan revisions or adoption of previous control regulations, the baseline for offsets will be more restrictive and thus offsets may be more difficult to obtain. For oxidants, state-wide regulatory development (for at least all sources greater than 100 tons/year), however, would permit the state to utilize the regulations developed for the entire state as the applicable plan for the newly designated non-attainment area. This would normally constitute an approvable SIP per the above criteria and could essentially accommodate the proposed growth within the previously submitted state plan and not require offsets once the area is designated as non-attainment.

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 111D
(VOLUME 1)

** CLEAN AIR ACT SECTION 111D

* PN111D-81-09-14-001
EPA POLICY ON WELFARE-RELATED POLLUTANTS UNDER SECTION 111D

PN-111(d)-81-9-14-001

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D C 20460

Sept. 14, 1981

OFFICE OF
AIR, NOISE, AND RADIATION

SUBJECT: EPA Policy on Welfare-Related Pollutants Under §111(d)

FROM: Kathleen M. Bennett, Assistant Administrator
for Air, Noise, and Radiation (ANR-443)

MEMO TO: Director, Air and Hazardous Materials Division, Regions I-X

Questions have arisen with regard to our policy in carrying out the requirements of §111(d) of the Clean Air Act with regard to welfare-related pollutants. Specifically, a State has requested clarification of our policy for requiring §111(d) plans establishing standards of performance for existing kraft pulp mills emitting total reduced sulfur compounds (TRS).

The principal purpose of listing welfare pollutants under §111(d) is to insure that new sources are well controlled and that the equity objectives of §111 are achieved. With regard to existing sources, the responsibility for determining the degree and timing of any control for such pollutants is a State responsibility. This policy is stated in 40 CFR 60.24(d) as follows:

> Where the Administrator has determined that a designated pollutant may cause or contribute to endangerment of public welfare but that adverse effects on public health have not been demonstrated, States may balance the emission guidelines, compliance times, and other information provided in the applicable guideline document against other factors of public concern in establishing emission standards, compliance schedules, and variances.

Section 40 CFR 60.24(d) then goes on to spell out the factors of concern as relating to available control technology, welfare impacts, costs, timing, environmental effects, information submitted at public hearings, etc.

Although EPA does have the authority to require States to submit plans, or in the absence of a submittal, to prescribe a plan, it is our general policy to rely on the judgment of the individual States to develop and implement such plans. This is particularly true for the welfare-related pollutants, such as TRS, controlled under 111(d). I believe this position is generally in keeping with the priority we have assigned to §111(d) actions and also with the regulatory philosophy of the Administration.

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 111E
(VOLUME 1)

** CLEAN AIR ACT SECTION 111E

* PN111E-76-05-03-001
ENFORCEMENT OF NSPS REQUIREMENTS

* PN111E-82-05-07-002
RESTATEMENT OF GUIDANCE ON EMISSIONS ASSOCIATED WITH SOOT BLOWING

PN 111(e)-82-05-07-002

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY - 7 1982

OFFICE OF
AIR, NOISE AND RADIATION

MEMORANDUM

SUBJECT: Restatement of Guidance on Emissions Associated with Soot-blowing

FROM: Kathleen M. Bennett
Assistant Administrator for Air, Noise and Radiation

TO: Directors, Air & Waste Management Divisions
Regions I-IV, VI-VIII, X

Directors, Air Management Divisions
Regions V and IX

This memorandum restates EPA's guidance on emissions associated with soot-blowing as it relates to sources under New Source Performance Standards (NSPS) Subparts D and Da and State Implementation Plans (SIPs). Soot-blowers remove ash adhering to heat transfer surfaces in boilers. In new and larger boilers subject to Subparts D and Da, automatic, semicontinuous soot-blowers are used; while in smaller and older boilers subject to the SIP's, periodic soot-blowing is the dominant practice.

As required in 40 CFR 60.8(c), "performance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility." Since soot-blowing occurs at regular intervals for each generator, these emissions cannot be discarded as being a result of an upset condition.

Recent data obtained for periodic soot-blowing for smaller pulverized and spreader stoker boilers show that uncontrolled emissions increase significantly during soot-blowing, while emissions controlled to levels of 0.1 lb/10^6 Btu or less by fabric filters and scrubbers are unaffected by soot-blowing. This would indicate that the fraction of very fine particles is relatively unaffected by soot-blowing and that other control devices such as "cold side" electrostatic precipitators should be unaffected, while less efficient systems such as mechanical collectors may be affected.

For a source which blows soot on a semi-continuous basis, emissions can be adequately represented by three sampling runs.

For units which do not blow soot semi-continuously, data suggest that the source's ability to comply using fabric filters, high-energy scrubbers, and medium to high efficiency "cold side" ESP's commonly used to meet design emission levels comparable to Subparts D or Da should not be adversely affected by the inclusion of soot-blowing. Testing should thus be done in accordance with previous guidance issued by DSSE. A copy of this guidance, dated March 6, 1979 and sent to all Regions, is attached for your information.

Relative to SIP limits, demonstrations of attainment and maintenance of National Ambient Air Quality Standards (NAAQS) are normally based upon continuously achieving the emission levels prescribed in State Implementation Plans, and the compliance determinations should be based upon the performance of control devices over the normal range of boiler operation. For fabric filters, electrostatic precipitators, and wet scrubbers, the most stringent test of their performance occurs at maximum boiler load. For mechanical collectors, the most stringent test occurs at low boiler loads. Therefore, it is recommended that SIP compliance tests be made at both high and low loads, and include soot-blowing per the March 6, 1979 guidance.

The attached March 12, 1979 guidance noted that it is appropriate to interpret a never-to-exceed emission limit as requiring control of soot-blowing emissions. This assumes that the individual SIP does not specifically address the issue of soot-blowing. If soot-blowing provisions are included in the SIP, these SIP provisions will, of course, take precedence; if provisions are not included, existing sources should be handled using the same approach as the attached March 6, 1979 determination provides for handling new sources. (Of course, inclusion of provisions in SIPs which provide exemptions in the mass standard for soot-blowing presupposes a demonstration that such exceptions will not interfere with the attainment and maintenance of NAAQS.)

Sources which are in violation of emission limits during soot-blowing operations and have not been exempted by the applicable SIP provisions should be treated as violating sources in accordance with other guidance. (See, for example, the definition of a "significant violator" in my memorandum of December 29, 1981 entitled "EPA Accountability System--OANR Policy Guidance.")

Should you have any questions, please contact this office.

Attachments

MEMORANDUM

SUBJECT: NSPS Determination - Subpart D

FROM: Director
Division of Stationary Source Enforcement

TO: Enforcement Division Directors, Regions I-X

Air and Hazardous Materials Division Directors
Regions I-X

Surveillance and Analysis Division Directors
Regions I-X

This is a clarification of DSSE's June 29, 1977, memo on including the effect of non-continuous, non-automatic soot blowing when performance testing steam generators that are subject to NSPS.

Units which do not blow soot continuously may have the effect of soot blowing included by performance testing in the normal manner, provided that the following precautions are taken: 1) soot blowing is permitted only during one of the test runs,* and 2) the soot blowing performance test run should include as much of the soot blowing cycle as possible.

When a short duration soot blowing period limits the number of points which will be sampled during the portion of the test run that the soot blowers are on, then all of the sampling points lying on at least one stack or duct diameter should be sampled while the soot blowers are on, if possible. Single point sampling should always be avoided but may be necessitated at sources with very short duration soot blowing periods. Ideally, a point of representative velocity should be selected when single point sampling is required, if possible.

The representative average pounds of particulate emissions per million BTU (E) must be calculated by the following

*If it is expected that >50% of particulate emissions occur during soot blowing periods, then soot blowing should be required during 2 test runs.

generalized equation rather than by simple averaging as outlined in 40 CFR 60.8(f). This equation insures proper weighting of a soot blowing performance test run regardless of whether the soot blowing lasts the entire time of the test run, and also regardless of the number and duration of the non-soot blowing test runs made while performance testing a steam generator.

$$E = E_{SBR}\frac{(A+B)\ S}{AR} + E_{NOSB}\left(\frac{R-S}{R} - \frac{BS}{AR}\right)$$

where:

E = pounds of particulate emissions per million BTU heat input (lb/MM BTU or ng/J)

E = average E for daily operating time

E_{SBR} = average E of sample(s) containing soot blowing

E_{NOSB} = average E of sample(s) with no soot blowing

A = hours soot blowing during sample(s)

B = hours not soot blowing during sample(s) containing soot blowing

R = average hours of operation per 24 hours

S = average hours of soot blowing per 24 hours

For almost all steam generators with intermittent soot blowing practices, the quantity of excess air is not expected to vary significantly between periods of normal operation and periods of soot blowing. However, if a significant variation in the quantity of excess air is expected, then an additional method 3 analysis should be conducted, as outlined in 40 CFR 60. 46(f)(ii) with soot blowers on in order to determine the $\%O_2$ while soot blowing. The $\%O_2$ of the soot blowing run can be determined from the following equation:

$$\%O_{2_{SBR}} = \frac{(\%O_{2_{NOSB}})B + (\%O_{2_{SB}})A}{B+A}$$

where:

$\%O_{2_{SBR}}$ = the $\%O_2$ of the sample(s) containing soot blowing

$\%O_{2_{NOSB}}$ = the $\%O_2$ while not blowing soot

$\%O_{2_{SB}}$ = the % O_2 while blowing soot

A = hours soot blowing during sample(s)

B = hours not soot blowing during sample(s) containing soot blowing

Then the $\%O_{2_{SBR}}$ should be used to calculate E_{SBR} as outlined in 40 CFR 60.46(f)

If you should have any further questions on this determination, please contact craig Cobert (FTS 755-0103) of my staff.

/s/ ER

Edward E. Reich

MAR 12 1979

SUBJECT: Integration of Soot-Blowing Emissions with Routine Operating Data for Existing Facilities

FROM: Director, Division of Stationary Source Enforcement

TO: Leslie Carothers, Director
Enforcement Division, Region I

This is in response to your memo of January 25, 1979, concerning the effect of soot-blowing emissions on determining compliance with particulate emission limitations. We have extensively examined the soot-blowing issue and its implications when determining compliance with the new source performance standard (NSPS) for fossil fuel-fired steam generators. We have determined that soot-blowing emissions must be included when performance tests are conducted to satisfy the requirements of the NSPS Subpart D. See attached memo for details on treatment of soot-blowing emissions.

The determination to include soot-blowing emissions under NSPS were significantly affected by the language in Part 60 which requires "...no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gas which..." This language provides us with the justification to include all emissions which are considered representative of the operation of the affected facility. Since soot-blowing occurs at regular intervals, these emissions cannot be discarded as being a result of an upset condition.

We do not know whether the language contained in the Maine state implementation plan (SIP) is consistent with the NSPS language in that it provides for a never to exceed emission limit. Any decision to include or exclude soot-blowing emissions must be judged by the language in a state's SIP. However, we believe that if the state SIP is silent on the issue of soot-blowing emissions in determining compliance of a source it would appropriate to interpret the never to exceed emission limit as requiring control of soot-blowing emissions.

This approach in dealing with existing sources may be more stringent than the averaging approach (see attached) we have elected to use in addressing new sources. Therefore, unless the SIP in a state specifically requires controlling soot-blowing emissions at all times, then we are recommending that the same method for determining compliance with new sources be used for existing sources.

The approach for including soot-blowing emissions as described in the attached determination is to be used for compliance determinations for all new sources and all existing sources unless otherwise provided in the state SIP for existing sources.

If you have any additional questions or comments, please give me a call.

Edward E. Reich

cc: Don Goodwin
Enforcement Division
Directors II-X

PN 111(e)-76-05-03-001

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 3, 1976

MEMORANDUM

SUBJECT: Enforcement of NSPS Requirements

TO: Enforcement Division Directors
Regions I-X

FROM: Director, Division of Stationary Source Enforcement

The attached memorandum concerns an NSPS enforcement problem which occurred recently in Region IV.

Monsanto Chemical had planned to use low sulfur coal in a steam generator subject to NSPS to achieve compliance with the emission limitation provision of 40 CFR §60.43. Monsanto had asked to burn high sulfur fuel for 180 days after start-up, before the performance test required by §60.8. The issue was what enforcement options were available to the regional office to prevent Monsanto from burning a high sulfur coal upon start-up.

The conclusion reached in the memorandum was that the 180-day period provided for in 40 CFR §60.8 is not a grace period during which a source need make no attempt to achieve compliance with NSPS. Rather, it is a shake-down period, which may be unnecessary, to allow for fine tuning of control equipment. When a situation like the one in Region IV arises, the regional office should pursue whatever enforcement mechanism it feels will insure expeditious compliance with NSPS requirements. Enforcement options include an administrative order to burn complying low sulfur coal or, if appropriate, a civil or criminal action.

We have reviewed these issues with the Office of General Counsel which concurs in the approach endorsed in the memorandum. Should you have any questions, please contact Barry Russell (202-755-2542) of my staff.

Richard D. Wilson

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

25 APR 1976

MEMORANDUM

SUBJECT: Enforcement of NSPS Requirements

TO: Jay Sargent, Chief
Legal Branch, Enforcement Division
Region IV

FROM: Edward Reich, Chief, Enforcement Proceedings Branch
Division of Stationary Source Enforcement

This is in response to your inquiry concerning the steam generator subject to NSPS at the Monsanto Chemical Company in Decatur, Alabama.

As we understand the facts, Monsanto plans to use low sulfur coal to achieve compliance with the emission limitation provision of 40 CFR §60.43. However, Monsanto has asked to burn a high sulfur fuel for 180 days after start-up, but before the performance test required by 40 CFR §60.8. During this period, the company will be operating at less than the maximum production rate. Your inquiry concerns what enforcement options, if any, the region can pursue to prevent Monsanto from burning a higher sulfur coal after start-up but before the performance test required by 40 CFR §60.8.

The above circumstances should not preclude the regional office from using whatever enforcement mechanism it feels will insure compliance with NSPS requirements from the commencement of operation. Enforcement options include an administrative order to burn complying low sulfur coal or, if appropriate, a civil or criminal action.

The rationale for this approach is as follows. Section 111(e) of the Clean Air Act provides that it shall be unlawful to operate a new source in violation of standards of performance applicable to such source. Also, 40 CFR §60.8(a) provides:

§60.8 Performance tests.

(a) Within 60 days after achieving the maximum production rate at which the affected facility will be

operated, but not later than 180 days after initial start-up of such facility and at such other times as may be required by the Administrator under section 114 of the Act,* the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s). (Emphasis added.)

The intent of 40 CFR §60.8 was to provide a short period of time after start-up during which an affected facility could adjust and fine tune control equipment before the performance test. This provision merely sets forth in regulatory form, those circumstances where EPA will exercise its enforcement discretion to allow for reasonable shake-down time. This forbearance on EPA's part is consistent with the statutory mandate of requiring use of best adequately demonstrated control technology (considering costs) on new sources upon start-up and at the same time provides a reasonable period for affected facilities to fine tune control equipment. However, §60.8 was never meant to imply that, prior to the performance tests, a grace period exists during which a source need make no attempt to achieve compliance with NSPS requirements. In fact, 40 CFR §60.11(d) clearly outlines an affected facility's obligation to minimize emissions at all times:

§60.11 Compliance with standards and maintenance requirements.

* * *

(d) At all times, including periods of start-up, shut-down, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

In sum, the 180-day period in 40 CFR §60.8 is not a grace period during which a source need make no attempt to achieve compliance with NSPS. Rather, it is a shake-down period for control equipment which may (as in the present case) be unnecessary. When such a situation arises, the regional office should pursue whatever enforcement mechanism it feels will insure expeditious compliance with NSPS requirements.

Since litigation is certainly a possibility in this case, we would suggest that you communicate to Monsanto EPA's interpretation of its regulations as soon as possible to lay a firm basis for whatever follow-up litigation may be necessary.

* Under this provision the Administrator could, presumably, require a performance test even earlier than would otherwise be required under the regulations.

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 112
(VOLUME 1)

** CLEAN AIR ACT SECTION 112

* PN112-78-03-30-001
STATE ENFORCEMENT OF ASBESTOS DEMOLITION REGULATIONS IN LIGHT OF ADAMO WRECKING COMPANY V. UNITED STATES

* PN112-82-03-24-002
DELEGATION OF AUTHORITY TO STATES: NESHAPS

* PN112-84-06-01-004
BENZENE NESHAP GUIDANCE

* PN112-84-07-11-005
VINYL CHLORIDE NESHAP ENFORCEMENT STRATEGY

* PN112-85-02-08-006
REVISIONS TO ASBESTOS DEMOLITION AND RENOVATION CIVIL PENALTY POLICY

* PN112-85-06-xx-007
REPRINT OF THE EPA AIR TOXICS STRATEGY (REFERENCE ONLY)

* PN112-85-09-17-008
PREPARATION OF QUANTITATIVE ANALYSIS IN AGENCY DECISION-MAKING

PN 112-85-09-17-008

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 17 1985

THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Preparation of Quantitative Analysis in Agency Decision-making

TO: Assistant Administrators
General Counsel
Inspector General
Associate Administrators
Regional Administrators

At our July Senior Management Meeting we had a thorough and enlightening discussion of the advantages and limitations of quantitative health risk information as a decision-making tool. Much of our time was spent on cost per-life-saved estimates and how these have been developed and used. As we agreed, I am writing my thoughts on the topic so that you can share and discuss them with your staffs.

First, quantitative risk analysis is a valuable analytic tool but we must be mindful of its limitations. The results of uniformly conducted risk assessments can help us compare control strategies within a particular rulemaking or to look across programs at the potential risk reduction from actions that could be taken under different legal authorities or to affect different exposure pathways. At the same time, we must recognize that the very fact that these estimates can be numerically expressed may imply a false precision both to the affected public and to decision-makers. There are typically large uncertainties associated with evaluating the toxicity of and exposure to pollutants and contaminants. Uncertainties and simplifying assumptions used in predicting human exposure greatly compound the potential for differences between predicted and actual risk.

Therefore, it is important to me that we continue to clearly identify assumptions and uncertainties in risk assessments that accompany regulatory and policy decision documents. To the extent possible, explicit measures of uncertainty (such

as numerical ranges and toxicological "strength of evidence" indices for carcinogens) should be consistently and prominently presented. Qualitative descriptions of toxicity or exposure information that cannot be quantified should be provided. Qualitative assessments of environmental or fish and wildlife impacts may also be very important to certain risk-management actions. In the overall context of uncertainties surrounding human health risk estimates, these additional considerations may tip the balance in favor of one control approach over another.

Second, decision-makers generally ought to evaluate both the population risks and distribution of risks associated with various risk management options. As a practical matter, this should include identification of segments of the population at relatively high risk, the size of those groups, the magnitude of those risks, and estimates of overall population incidence. When considering costs of reducing risks, it sometimes may be pertinent to consider whether the costs will be borne by the at-risk population or distributed in some other way.

Additionally, risk estimates and cost estimates are frequently used to calculate cost-effectiveness or cost-benefit values and ratios. This kind of analysis of health benefits against cost does illuminate some aspects of risk management decisions, but it is not a rigid formula for making those decisions. These comparisons may not adequately accommodate a range of scientific uncertainties, including "weight of evidence" considerations, and sometimes they may not express the non-health aspects (or even the non-cancer aspects) of decisions. These additional factors are often important considerations in fulfilling our statutory mandates.

For these reasons, I want to emphasize to the Agency staff that they should not eliminate otherwise feasible and sensible options from development and presentation to decision-makers on the basis of any specific "rules of thumb" that, in turn, are based on estimated risk ranges, population incidence or cost-per-incidence avoided. Accordingly, staff should not feel compelled to eliminate options solely because the estimated cost-per-cancer case avoided exceeds the $7.5 million referred to in the Regulatory Impact Analysis Guidelines. Options with associated costs above that level can clearly be considered, particularly where warranted by large uncertainties, or other benefits which would not be realized from alternatives.

Continued work to develop and improve risk assessment techniques and analytical approaches will undoubtedly reduce some of the remaining limitations on the use of these techniques. As a decision-maker, I look forward to employing increasingly refined analytic tools. However, we are a long way from the point at which decisions can or should be made by mechanistic application of any acceptable risk or cost criterion. Therefore, I will expect to see decision packages which identify uncertainties and assumptions, which provide qualitative descriptions of unquantifiable effects, and which present a broad range of realistic options.

Lee M. Thomas

In order to conserve space, the EPA Air Toxics Strategy, published in June 1985, is not included in the Air Programs Policy and Guidance Notebook.

This document may be obtained through the National Air Toxics Information Clearinghouse. For more information, contact Nancy Riley, U.S. EPA, Emission Standards Division, Research Triangle Park, North Carolina 27711. Telephone 919-541-5353.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460
FEB 8 1985

MEMORANDUM

SUBJECT: Revisions to Asbestos Demolition and Renovation Civil Penalty Policy

FROM: for Joseph A. Cannon, Assistant Administrator
for Air and Radiation

Courtney M. Price
Assistant Administrator for Enforcement
and Compliance Monitoring

TO: Addressees

Attached is the revised Asbestos Demolition and Renovation Civil Penalty Policy. This replaces Appendix III to the Clean Air Act Stationary Source Civil Penalty Policy, which we issued on September 12, 1984.

The policy was revised to address concerns raised by the Regions in referring cases to Headquarters in the last few months. A draft revision to the policy was distributed to the Regions and the Department of Justice for comment on December 5, 1984. Most of the suggestions have been incorporated into the final policy.

Major changes in the policy include:

1) Distinguishing among notification violations based on whether or not they are accompanied by substantive violations;

2) distinguishing between first offenses and subsequent offenses; and

3) Developing a matrix for assessing the gravity component for substantive violations, based in part on the amount of asbestos involved.

We are also providing additional guidance on calculating economic benefit and on apportionment of the penalty among multiple defendants.

This policy applies to determining the gravity and benefit components of the civil penalty settlement amount for asbestos demolition and renovation cases. The general Stationary Source Civil Penalty Policy should be used to make adjustments, if appropriate, to arrive at a penalty settlement amount.

We appreciate the considerable efforts which you and your states have made to enforce the asbestos regulations. We hope that you continue to emphasize enforcement of these important public health standards.

Questions regarding this policy should be addressed to Elliott Gilberg of the Office of Enforcement and Compliance Monitoring at FTS 382-2864, or Robert Myers of the Stationary Source Compliance Division at FTS 382-2875.

Attachment

Addressees:

Regional Administrators, Regions I-X

Air and Waste Management Division Directors
Regions II, VI, VII, and VIII

Air Management Division Directors
Regions I, III, V, and IX

Air, Pesticides and Toxics Management
Division Director, Region IV

Air and Toxics Management Division Director
Region X

Regional Counsels, Regions I-X

Regional Counsel Air Enforcement Contacts

Asbestos NESHAP Contacts

Richard Mays, OECM
Rich Robinson, OLEP
Thomas Gallagher, NEIC
Gerald Emison, OAQPS
David Buente, DOJ
Bill Becker, STAPPA-ALAPCO

APPENDIX III

Asbestos Demolition and Renovation Civil Penalty Policy

The Clean Air Act Stationary Source Civil Penalty Policy provides guidance for determining the amount of civil penalties EPA will seek in pre-trial settlement of enforcement actions under Title I of the Act. Due to certain unique aspects of asbestos demolition and renovation cases, separate guidance is provided here for determining the gravity and economic benefit components of the penalty. Adjustment factors should be treated in accordance with the general stationary source penalty policy.

If the Region is referring a civil action under Section 113(b) against a demolition or renovation source, it should recommend a civil penalty settlement amount. Consistent with the general penalty policy, the Region should determine a "preliminary deterrence amount" by assessing an economic benefit component and a gravity component. This amount may then be adjusted upward or downward by consideration of other factors, such as degree of willfulness and/or negligence, history of noncompliance, ability to pay, and litigation practicalities. Since there is a wide variation in the size of demolition contractors, ability to pay may be an important adjustment factor in some instances.

The "gravity" component should account for factors such as the environmental harm resulting from the violation, the importance of the requirement to the regulatory scheme, and the size of the violator. Since asbestos is a hazardous air pollutant, the gravity factor associated with substantive violations (i.e., failure to adhere to work practices or to prevent visible emissions from waste disposal) should be high. Also, since notification is essential to Agency enforcement, a notification violation should also warrant a high gravity component.

Gravity Component

The attached chart sets forth the gravity component of the penalty settlement figure for notification violations and for violations of substantive requirements for control of asbestos emissions. The figures in the first line of the chart apply as a general rule to failure to notify, including those situations in which substantive violations occurred and those instances in which EPA has been unable to determine if substantive violations occurred. The reduced amounts in the second line of the chart apply only if the Agency can conclude, from its own inspection, a State inspection, or other reliable information, that the source complied with substantive requirements.

Where notification is made late, the Region has discretion to seek a lesser penalty. The penalty should reflect the degree to which the Region's ability to evaluate substantive compliance has been hampered. If notification is late but still allows sufficient opportunity to monitor the entire project, little or no penalty is warranted. If notification is given so late as to preclude any evaluation of substantive compliance, the Region should determine a penalty as if no notice were given.

Regions should exercise discretion in penalizing a timely notification which is incomplete. A notification can be so insufficient as to be tantamount to no notice, in which case the Region should determine the penalty as if there were no notice. Again, the important factor is the impact the company's action has on our ability to monitor substantive compliance.

Penalties for substantive violations are based on the particular regulatory requirements violated. The figure is the sum of the penalty assigned to a violation of each set of requirements: removal, wetting, and stripping, 40 C.F.R. §61.147; collection, packaging, and transporting of asbestos-containing waste material, §61.152(b); and disposal of wastes at an acceptable site, §61.152(a). The figure also depends on the amount of asbestos involved in the operation, which relates to the potential for environmental harm associated with improper removal and disposal. There are three categories based on the amount of asbestos, expressed in "units," a unit being the threshold for applicability of the substantive requirements. If a job involves friable asbestos on pipes and other facility components, the amounts of linear feet and square feet should each be separately converted to units, and the numbers of units should be added together to arrive at a total. Where the only information on the amount of asbestos involved in a particular demolition or renovation is in cubic dimensions (volume), the amount can be converted to square dimensions by dividing the volume by the estimated thickness of the asbestos material.

Gravity components are adjusted based on whether the violation is a first, second, or subsequent offense. By "second" or "subsequent" offense, we mean that the company has violated the regulations after previously being notified by the State or EPA of asbestos NESHAP violations. This prior notification could range from simply a warning letter to the filing of a judicial enforcement action. A "second" violation could even occur at the same job as the first one if, after being notified of violations by the State or EPA

and having an opportunity to correct such violations, the company continues to violate the regulations. If the case involves multiple potential defendants and any one of them is involved in a second or subsequent offense, the penalty should be derived based on the second or subsequent offense. In such instance, the Government should try to get the prior-offending party to pay the extra penalties attributable to this factor. (See discussion below on apportionment of the penalty.)

The Region should consider enhancing the gravity component in situations where the duration of the violation increases the potential harm. This would be particularly appropriate where the source allows asbestos waste material to stay on site without any effort to collect and dispose it for a significant period of time.

Benefit Component

This component is a measure of the economic benefit accruing to the contractor, the facility owner, or both, as a result of noncompliance with the asbestos regulations. Information on actual economic benefit should be used if available. The attached chart provides figures which may be used as a "rule of thumb" to determine the costs of removing and disposing asbestos in compliance with §61.147 and §61.152, where actual information is difficult to obtain or is suspect. The figures are based on rough cost estimates which the Office of Air Quality Planning and Standards has developed in considering revisions to the asbestos standard. These estimates are within a range of numbers that OAQPS has considered in determining the economic impact of the asbestos demolition and renovation requirements. Also, if any party ultimately pays to have all or part of the job done in compliance, actual expenditures can be used to offset the benefit of noncompliance.

Apportionment of the Penalty

This policy is intended to yield a minimum settlement penalty figure for the case as a whole. In some cases, more than one contractor and/or the facility owner will be named as defendants. In such instances, the Government should generally take the position of seeking a sum for the case as a whole, which the multiple defendants can allocate among themselves as they wish.

It is not necessary in applying this penalty policy to allocate the economic benefit between the parties precisely. The total benefit accruing to the parties should be used for this component. Depending on the circumstances, the economic

benefit may actually split among the parties in any combination. For example, if the contractor charges for compliance with asbestos removal requirements and fails to comply, the contractor has derived a savings and the owner has not. If the contractor underbids because it does not factor in compliance with asbestos requirements, the facility owner has realized the full amount of the financial savings. (In such an instance, the contractor may have also received a benefit which is harder to quantify - obtaining the contract by virtue of the low bid.)

There are circumstances in which the Government may try to influence apportionment of the penalty. For example, if one party is a second offender, the Government may try to assure that such party pay the portion of the penalty attributable to the second offense. If one party is known to have realized all or most of the economic benefit, that party may be asked to pay for that amount. Other circumstances may arise in which one party appears more culpable than others. We realize, however, that it may be impractical to dictate allocation of the penalties in negotiating a settlement with multiple defendants. The Government should therefore adopt a single "bottom line" sum for the case and should not reject a settlement which meets the bottom line because of the way the amount is apportioned.

Apportionment of the penalty in a multi-defendant case may be required if one party is willing to settle and others are not. In such circumstances, the Government should take the position that if certain portions of the penalty are attributable to such party (such as economic benefit or second offense), that party should pay those amounts and a reasonable portion of the amounts not directly assigned to any single party. However, the Government should also be flexible enough to mitigate the penalty somewhat to account for the party's relative cooperativeness. If a case is settled as to one defendant, a penalty not less than the balance of the settlement figure for the case as a whole should be sought from the remaining defendants. This remainder can be adjusted upward, in accordance with the general Civil Penalty Policy, if the circumstances warrant it. Of course, the case can also be litigated against the remaining defendants for the maximum attainable penalty.

Other Considerations

We expect that each Region may want to develop its own strategy (some have already done so) for targeting enforcement action against violators of the asbestos demolition and renovation requirements. The policy is intended to give

Regions flexibility to incorporate, as part of a coherent strategy, a practice of addressing first-time notice violations where there is at least probable compliance with substantive requirements through findings of violation or administrative orders. There is also the potential for "pre-settling" judicial actions for modest penalties for such violations.

On the other hand, the policy penalizes substantive violations and repeat violations in a significant way. Penalties should generally be sought for all violations which fit these categories. If a company knowingly violates the regulations, particularly if the violations are severe or the company has a prior history of violations, the Region should consider initiating a criminal enforcement action.

Examples

Following are two examples of application of this policy.

Example 1

XYZ Associates hires America's Best Demolition Contractors to demolish a building containing 1300 linear feet of pipe covered with friable asbestos, and 16,000 square feet of siding and roofing sprayed with asbestos. Neither company notifies EPA or State officials prior to commencing demolition of the building. Tipped off by a citizen complaint, EPA inspects the site and finds that the contractor has not been wetting the asbestos removed from the building, in violation of 40 C.F.R. §61.147. In addition, the contractor has left a pile of dry asbestos waste material on site, and the inspector observes visible emissions in violation of §61.152(b). The contractor has also not deposited the waste in an acceptable disposal site, in violation of §61.152(a). At the time of the inspection 75% of the asbestos has already been removed from the building and handled improperly. After discussion with EPA officials, XYZ Associates hires another contractor to properly dispose of the asbestos wastes and to remove the remaining 25% of the asbestos in compliance with the asbestos NESHAP.

Neither XYZ Associates nor America's Best Demolition Contractors has ever been cited for asbestos violations by EPA or the State. Both parties have sufficient resources to pay a substantial penalty.

The penalty is computed as follows:

Gravity Component

No notice (first time)	$10,000
Violations of §61.147, §61.152(b), and §61.152(a) (100 + 5 = 105 units of asbestos	+45,000
	$55,000

Economic Benefit

$4/sq. foot x 16,000 sq. feet + $4/ linear foot x 1300 linear feet	$69,200
Offset by actual expenditure by XYZ to remove 25% of asbestos in compliance with NESHAP (25% x $69,200)	-17,300
	$51,900
Preliminary deterrence amount	$106,900
Adjustment factors - Prompt correction of environmental problem (-30% of gravity component)	$-16,500
Minimum penalty settlement amount	$ 90,400

Example 2

Consolidated Conglomerates, Inc., hires Bert and Ernie's Trucking Company to demolish a building which contains 10,000 linear feet of friable asbestos on pipes. Neither party gives notice to EPA or to the State prior to commencement of demolition. An EPA inspector, acting on a tip, visits the site after the building has been totally demolished. He finds a large pile of dry asbestos-containing waste material on site. The inspector learns that the demolition had been completed at least three weeks before he inspected the site.

Consolidated Conglomerates is a corporation with assets of over $100 million and annual sales in excess of $10 million. Bert and Ernie's Trucking is a limited partnership of two brothers who own two trucks and have less than $250,000 worth of business each year. This contract was for $50,000. Bert and Ernie's was once previously cited by the State Department of Environmental Quality for violations of asbestos regulations.

The penalty is computed as follows:

Gravity Component

No notice (2nd violation)	$25,000
Violations of §61.152(b) and §61.152(a) (2nd violation); no direct evidence of violation of §61.147 (app. 38.5 units)	$40,000
Aggravation of hazard due to duration of disposal violation - + 25% of substantive violations (25% x $40,000)	$10,000
	$75,000

Benefit Component

$4/linear foot x 10,000 linear feet	$40,000
Preliminary deterrence amount	$115,000
No adjustment factors	
Minimum settlement penalty amount	$115,000

Apportionment of the Penalty

The penalty in this case has been increased by $35,000 because it involves a second violation by the contractor. Ordinarily, the Government should try to get Bert and Ernie's to pay at least that amount of the penalty. However, Consolidated Conglomerate's financial size compared to the contractor's will probably dictate that Consolidated pay most of the penalty.

Asbestos Demolition/Renovation Penalty Policy

Gravity Component

Notification	1st Violation	2nd Violation	Subsequent
No notice	$10-12,000	$20-25,000	$25,000
No notice but probable substantive compliance	$0-5,000	$10-15,000	$25,000

Late notice - discretion - if tantamount to no notice, use above table

Incomplete notice - discretion - if tantamount to no notice, use above table

Substantive Violations

Total amount of asbestos involved in the operation	1st Violation	2nd Violation	Subsequent
$\leq$ 10 units	$5,000	$15,000	$25,000
> 10 units but $\leq$ 50 units	$10,000	$20,000	$30,000
> 50 units	$15,000	$25,000	$35,000

unit = 260 linear feet or 160 square feet - if both are involved, convert each amount to units and add together

Apply matrix separately to violation of §61.147, §61.152(b), and §61.152(a) - add together

Enhance if duration of offense aggravates hazard - e.g., failure to dispose of asbestos - containing wastes.

Benefit Component

For asbestos on pipes:

$3 per linear foot of asbestos for wetting of friable asbestos and packaging of wastes - §61.147, §61.152(b)
$1 per linear foot of asbestos for transporting and disposal of wastes - §61.152(b), §61.152(a)

$4 per linear foot for both

For asbestos on other facility components:

$3.50 per square foot for wetting of friable asbestos and packaging of wastes
$ .50 per square foot for transporting and disposal of wastes
$4.00 per square foot for both

PN 112-84-07-11-005

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 11 1984

MEMORANDUM

SUBJECT: Vinyl Chloride NESHAP Enforcement Strategy

FROM: Edward E. Reich, Director
Stationary Source Compliance Division
Office of Air Quality Planning and Standards

Michael S. Alushin
Associate Enforcement Counsel
for Air

TO: Air and Waste Management Division Directors
Region II, IV, and VI

Air Management Division Directors
Regions I, III, V, and IX

Regional Counsels
Regions I-VI and IX

Attached is our strategy for the enforcement of the vinyl chloride NESHAP standard. This strategy was developed as a product of the Regional submittals we received in response to our memoranda of June 28, 1983 and January 23, 1984.

In putting together this strategy, we have found that most of the Regional Offices have sources which should receive priority for enforcement action. We expect these Regions to act on the basis of this strategy and to prepare cases expeditiously. Although this strategy focuses primarily on stripping violations and on reactor opening loss violations, all parts of the standard should be examined when preparing cases.

In transmitting this information to us, several of your offices have indicated that individual companies have asked that some of the information be treated as confidential. This material is contained in Table 5, "Summary of RVD Responses", which is being sent to you under separate cover. No Agency

determination has been made on the confidentiality of these requests. However, because this material has been separated from the rest of the strategy, the bulk of the strategy may now be circulated to State and local enforcement agencies.

We would appreciate your prompt attention to this material. Please contact Doreen Cantor of SSCD at 382-2874, or Elliott Gilberg of OECM at 382-2864, with any comments or questions.

Attachment

Vinyl Chloride NESHAP Enforcement Strategy

In our memorandum of June 28, 1983, we addressed our concern that the Regions be consistent in enforcing all major provisions of the vinyl chloride standard, including those portions other than the relief valve discharge regulations. In that memorandum, we requested your help in developing guidelines for the enforcement of the regulations for stripping and reactor opening losses. We have compiled the Regional data submitted to us on the percentage and magnitude of violations of the stripping and reactor opening loss standards from the two most recent semiannual reports for each source. These data are summarized in Table 1. The purpose of this strategy is to discuss the results of this compilation and its implications for future enforcement activity by the Regional Offices.

Although we have attempted to establish a framework for setting priorities for enforcement action, we emphasize that this does not change the standard or the definition of a violation, and establishes no right or privilege for regulated sources. Our recommended action levels are to be used as a basis for prioritization only.

Because of the fairly large number of sources with substantial violations, our prioritization effort resulted in over two-thirds of the sources being identified initially in the highest category of priorities. Based on available State and Regional resources and on the additional factors for enforcement that will be discussed, each Region and State should feel free to take enforcement efforts beyond our recommended levels, provided action is ongoing against the more substantial violators. The goal for compliance remains at 100%.

In most cases, the vinyl chloride standard has been delegated to a State or local agency. Where this is the case, the Regional office should look to the State to obtain a satisfactory resolution. Where a State fails to act in a satisfactory manner or where the State has not received delegation, the Region should respond to ensure the fulfillment of this responsibility.

A satisfactory State enforcement action is one which requires expeditious installation of equipment or other remedial measures which, in EPA's view, are sufficient to bring the source into compliance. In addition, the State action must require payment of a civil penalty of sufficient magnitude appropriate to the violation. A State does not

necessarily have to assess a penalty which would suffice as a settlement figure for a Federal action as discussed below. If a State action is adequate in terms of remedial relief but fails to assess an adequate penalty, the Region should consider a separate Federal action for penalties consistent with the recently issued Policy Framework for State Enforcement "Agreements".

When EPA action is required, this will generally mean the commencement of a judicial action. The only administrative authority EPA has to assess penalties is under Section 120, which cannot be applied to discrete, intermittent violations. The only other applicable administrative enforcement mechanism (other than emergency powers) is an order under Section 113(a), which does not involve penalties and which should be considered only in instances in which the penalty assessment would be negligible. However, where the State is the enforcing authority, an administrative procedure may be appropriate, provided that adequate penalties are assessed for all violations, including those not exceeding the levels of frequency or magnitude contained in Table 2.

Many factors enter into a decision on when to initiate enforcement activity for a particular source. Factors which we believe are most important are:

1) Frequency of violations. We have summarized data on the percentage of noncompliance for each source. Although this may serve as a good indication of where priorities should be focused, it is generally recommended that the Regions go beyond the two most recent semi-annual reports to strengthen cases or to uncover additional histories of noncompliance. All violations which occurred in the five-year period preceding the filing of the complaint should be addressed, as well as each type of violation (relief valve discharge, stripping, reactor opening loss, 10ppm). Even if a source has shut down, enforcement action for penalties may be appropriate if it would serve an important enforcement objective, such as creating an incentive for the company to improve its operation of other vinyl chloride plants.

Issues which should be addressed include:

a) Is there a repeated pattern of violations?

b) Has there been an increasing (or constant) frequency of violations?

c) Has a substantial amount of time elapsed since the most recent violation?

2) Magnitude of Violations. We have also summarized data on the range of magnitudes of violations for each source, and have compared sources based on their most severe violation. Again, although this may be a good starting point, this should be further investigated by the Regional Offices to determine if this type of comparison is truly representative. Other issues which should be addressed include:

a) Has there been an increasing (or constant) trend in the magnitude of violations?

b) Is the total combined magnitude of violations significant? This may be a more realistic basis in some cases.

3) Available remedial measures. Issues include:

a) Can specific remedial measures be identified?

b) Has there been a lack of attempts to remedy the problem?

c) Is there a common cause or common remedy for many violations?

d) Has the source provided a remedy only after being informed of the violation?

4) Comparison with other sources. The attached tables and graphs are designed to give the Regions some idea of the severity of noncompliance nationwide, so that individual enforcement needs and efforts may be gauged. Each Region should set priorities based on the following:

a) How does a source compare with other sources in the Region?

b) How does a source compare with other sources nationwide?

c) What is the trend of the industry in general?

5) Source Reporting. In delegated States, sources are required to submit reports to both EPA and the State unless the delegation specifies that reporting to EPA is not required. In many cases, we were not able to determine whether each source is reporting on time to the State and/or Regional Office, and if

these reports are complete and accurate. Because our ability to enforce against RVD, ROL, and stripping violations hinges on self-reporting, we consider reporting violations to be very serious. States and/or Regions should be current with each source's reporting and should consider prompt action when a source fails to report. The existence of reporting violations should weigh heavily in the direction of initiating enforcement action. Where a source refuses to submit required reports despite notification by the State and/or EPA, the Region should consider whether criminal enforcement action is warranted.

The attached graphs (Figures 1-8) display the data summarized in Table 1, in an attempt to identify the most severe violators and target them for enforcement action. As shown in each of the graphs and in Table 2 (Enforcement Priorities), we have chosen recommended levels of violations to indicate the highest priority violations for which an enforcement action should be initiated. These levels were selected on the basis of (1) being the level closest to the standard that a significant majority of sources were achieving, or (2) being the level at which an identifiable break could be located (i.e., a level at which sources could either easily achieve or be far beyond). It is important to emphasize that these levels are intended to be fluid. This analysis will be done again at some point in the future, at which point we expect these levels will have moved closer to the standard, thus targeting a new set of sources (assuming sources presently targeted will have achieved compliance).

Generally, either frequency or magnitude of violations is sufficient to establish a source as high priority for enforcement action. Thus, sources with a large number of relatively small violations, and sources with a relatively low number of significant violations, will be high priority sources. However, sources exhibiting a compliance rate of 99% or greater are not suggested for high priority status on the sole basis of magnitude of violation. One exception to this applies to large sources and should be determined on a Regional level. Large sources with a significant number of violations should be prioritized for enforcement action, even if their compliance rate is relatively high due to the size of the source. Sources having continuing violations, even if these violations are individually relatively minor, are still being accorded high priority.

In prioritizing sources based on magnitude of violation, sources were ranked according to the magnitude of their largest violation. Other methods of ranking (average magnitude of violation, total magnitude, percent of allowable, etc.) are possible and may be a more realistic basis in some cases. However, in attempting to conserve Regional resources for other activities involved in vinyl chloride enforcement, we feel that the magnitude of the largest violation is a useful indicator of the potential severity of a number of violations, and can be obtained much more easily than can be averages or totals for large numbers of violations. We prefer that the bulk of resources be spent in enforcing against individual sources rather than in prioritizing a large number of sources. Assistance in determining what sources in each Region are highest priority sources is available from SSCD.

Table 3 describes how many facilities would be targetted for enforcement action in the highest priority category using the present priority levels. This is then broken out by Region. In some cases, there are large differences between the Regions in the degree and type of enforcement action targetted by this memo. Some of this may be due to individual sources; some may be due to varying degrees of aggressiveness of State and Regional enforcement efforts. Because this table is based solely on violations of the stripping and reactor opening loss standards, some of the targetted sources already have ongoing enforcement actions against them for relief valve discharges.

When a case has already been filed against a source for other types of violations and is currently in litigation, the Government must decide on a case-by-case basis whether the complaint should be amended to incorporate newly identified violations into the existing case. Generally speaking, the new violations should not be added to an ongoing case in which a trial date has been set or a discovery cutoff date is near. If little or no activity beyond the filing of a complaint and answer has taken place, amending the complaint is probably appropriate. In all instances in which a case is pending against a source for other violations, the Region should consult with the EPA Headquarters and Department of Justice attorneys assigned to the case.

Table 4 contains factors to be used to determine minimum settlement penalty figures in preparing civil actions. The penalty should be based on the following factors: seriousness of the violation (gravity component), the degrees of willfulness or negligence, degree of cooperation or noncooperation, history of noncompliance, ability to pay, and other unique factors. The economic benefit of noncompliance should also be considered in those instances in which a specific piece of equipment can be identified as a necessary remedial measure. See the memorandum entitled "Proposed Clean Air Act Stationary Source Civil Penalty Policy," which we sent to you on June 5, 1984. The vinyl chloride penalty policy will ultimately be codified as part of the final stationary source civil penalty policy.

The chart in Table 4 should be used to assign a number attributable to the gravity of the violations. Penalties escalate both by the magnitude of each individual violation, and by the total number of violations. The penalty numbers in Table 4 are to be assessed for each violation and are then to be added to obtain a settlement figure for a case involving numerous violations. Additional penalties accrue for failure to submit timely semiannual and discharge reports. As a matter of policy, the settlement figure is set at a total of up to $25,000 for each failure to report, even though as a legal matter the statutory maximum is arguably $25,000 per day for each day the failure to report is not remedied. Penalty schemes are included for relief valve discharges, exhaust gas violations, stripping violations, and reactor opening loss violations.

Finally, Table 5 (being sent under separate cover) contains a summary of the Regional responses to our request for information on relief valve discharges. The complete responses are available from the Stationary Source Compliance Division. In many cases however, complete information was not available from the Regional Offices. This information may be essential in preparing enforcement actions and efforts should be made to obtain this data from each source. Because Table 5 contains material which has been claimed to be confidential by a number of sources, it is being sent separately to allow the rest of this strategy to be distributed to State and other non-EPA enforcement agencies.

We interpret the relief valve discharge standard to establish a presumption that any relief valve discharge is a violation, with the company having the burden to show that it was not preventable (see Attachment I, Headquarters Policy Memoranda on Relief Valve Discharges). Nonetheless, to litigate a case, the Agency should be prepared to counter evidence that the discharge was due to an "emergency" by showing that specific measures are available which could have prevented the discharge, and that such measures were not taken by the source.

For relief valve discharges, the litigation report forwarded to Headquarters should include, at a minimum:

1) The date and size of each relief valve discharge, including those determined to be emergencies.

2) The Region's determination as to whether each discharge is preventable, i.e., a violation.

3) An analysis of the cause of each discharge. Attachment 2 is an example of the technical evaluation of a company's discharges which was included as an exhibit to a litigation report referred to HQ.

4) A description of remedial measures designed to prevent the types of discharges which have occurred at the plant. As you can see from Attachment 2, this is a logical complement to the analysis of the cause of each discharge.

5) A proposal for a minimum settlement penalty figure.

Depending on the level of detail contained in the 10-day report submitted by the company, the Region may have to seek more information using a Section 114 letter to properly prepare the litigation report. Examples of records which may be useful are logs, written maintenance procedures, inspection manuals, incidents reports, employee records (to show possible disciplinary action or failure to take such action), strip charts, etc. This is potentially potent evidence, because it may reveal answers to such questions as:

1) Was the company following its own standard operating procedures?

2) Did the company allow a discharge to occur in order to preserve the integrity of the product and thereby save money? (e.g., low grade resin is less profitable than high grade resin, and this may affect operating decisions.)

3) Did the operator fail to recognize upset conditions?

4) Did the company fail to replace defective equipment despite a prior history of problems?

5) Did the company fail to analyze a recurring problem?

6) Did the company perform an engineering study (or retain a consultant to do so) and fail to adhere to the study's recommendations?

Attachment 3 is a sample Section 114 letter which was used to develop the litigation report in one of the cases referred to Headquarters.

For reactor opening loss and stripping violations, the litigation report forwarded to Headquarters should include, at a minimum:

1) The date and amount of each exceedance. If the number of violations makes such a listing impractical, the litigation report shall summarize the data and cite to the semi-annual reports so that the reader can readily identify the violations.

2) A copy of all semi-annual reports for the period covered by the referral.

3) A description of remedial measures designed to prevent future violations.

4) A proposal for a minimum settlement penalty amount.

Attachment 4 is a list of Regional technical and legal contacts involved in vinyl chloride enforcement. It is hoped that this will encourage the exchange of general information, and also more specific information such as the availability and usefulness of particular remedial measures.

TABLE 1: Summary of Violations of Stripping and Reactor Opening Loss Standards

		Stripping			Reactor Opening Loss		
Region	Source	%	Range	(Standard)	%	Range	(Standard)
1	Borden	0		(400)	0.01	.045,.07	(.02)
2	BFGoodrich	0		(400)			
		0		(400)			
		0.3	2278	(2000)	0		(.02)
	Goodyear	0		(2000)	0		(.02)
	Occidental	2.6	428-2408	(400)	0		(.02)
	Pantasote	1.2	415-422	(400)	3.5	363-422	(350ppm)
	Tenneco/Burl.	0		(400)	1.2	2318	(2190ppm)
		3.2	2091	(2000)	1.3	8957	(2670ppm)
					0		(2540ppm)
	Tenneco/Flem.	0		(400)	4.7	2629-2895	(2604ppm)
	Union Carbide	0		(400)	0		(.02)
3	Ethyl	8.5	519	(400)	9.4	.0216-.1085	(.02)
		4.4	2046-3330	(2000)			
	Occidental/Potts.	8.8	414.5-1430.1	(400)	2.0	.0263	(.02)
		2.9	2035-2514	(2000)			
	*Occidental/Perry.	1.0	508	(400)	0		(.02)
		0		(2000)			
	Formosa	0.9	571-630	(400)	0		(.02)
		4.3	2091-2710	(2000)			
4	Conoco	3.7	411-967	(400)	0		(.02)
	Union Carbide	0		(400)	0		(.02)
	AP&C/Kentucky	0		(400)	0		(.02)
	AP&C/Pensacola	0		(400)	0		(.02)
	BFGoodrich/Louisville	0.6	456.8-716.0	(400)	0		(.02)
		0.3	641.9	(400)			
5	BFGoodrich/Henry	0.6	432-1129	(400)	0		(.02)
		0.9	2306-3032	(2000)	0.1	.022-.03	(.02)
	Borden	0		(400)	0		(.02)
		0		(2000)	0		(.02)
	Dow	0		(400)	0		(.02)
		0		(2000)	0		(.02)
	BFGoodrich/AvonLake	0		(400)	0.2	.0273	(.02)
		0.6	3051-7820	(2000)	0.3	.0221-.0842	(.02)
		0		(400)	0		(.02)
	General Tire	7.6	401-1504	(400)	0		(.02)

Region	Source	Stripping %	Stripping Range	Stripping (Standard)	Reactor Opening Loss %	Reactor Opening Loss Range	Reactor Opening Loss (Standard)
6	BFGoodrich	0		(400)	0.01	unknown	(.02)
	CertainTeed	0		(400)	unreported-§114 request		(.02)
	Conoco	0.3	419	(400)	0.2	≤0.37	(.02)
	*Ethyl	0		(2000)	2.0	≤3.3	(.02)
		7.1	<874.3	(400)	0		(.02)
	Georgia-Pacific	0		(400)	7.5	≤0.09	(.02)
	Occidental	0.6	<1103	(400)	8.7	≤0.39	(.02)
	Shintech	1.1	<931.6	(400)	5.2	≤0.088	(.02)
		1.7	<989.5	(400)	0		(.02)
	Tenneco	0.2	<624.0	(400)	25.0	≤1.62	(.02)
	BFGoodrich	0.2	<606	(400)	1.2	≤0.277	(.02)
	Del. City Plastics	5.0	<2166	(400)	2.1	≤0.0253	(.02)
	Union Carbide	0		(400)	0		(.02)
9	BFGoodrich	0		(400)	0		(.02)
	Keysor-Century	0		(400)	0		(.02)
	Union Carbide	0		(400)	0		(.02)

* No longer conducting PVC processes

Figure 1

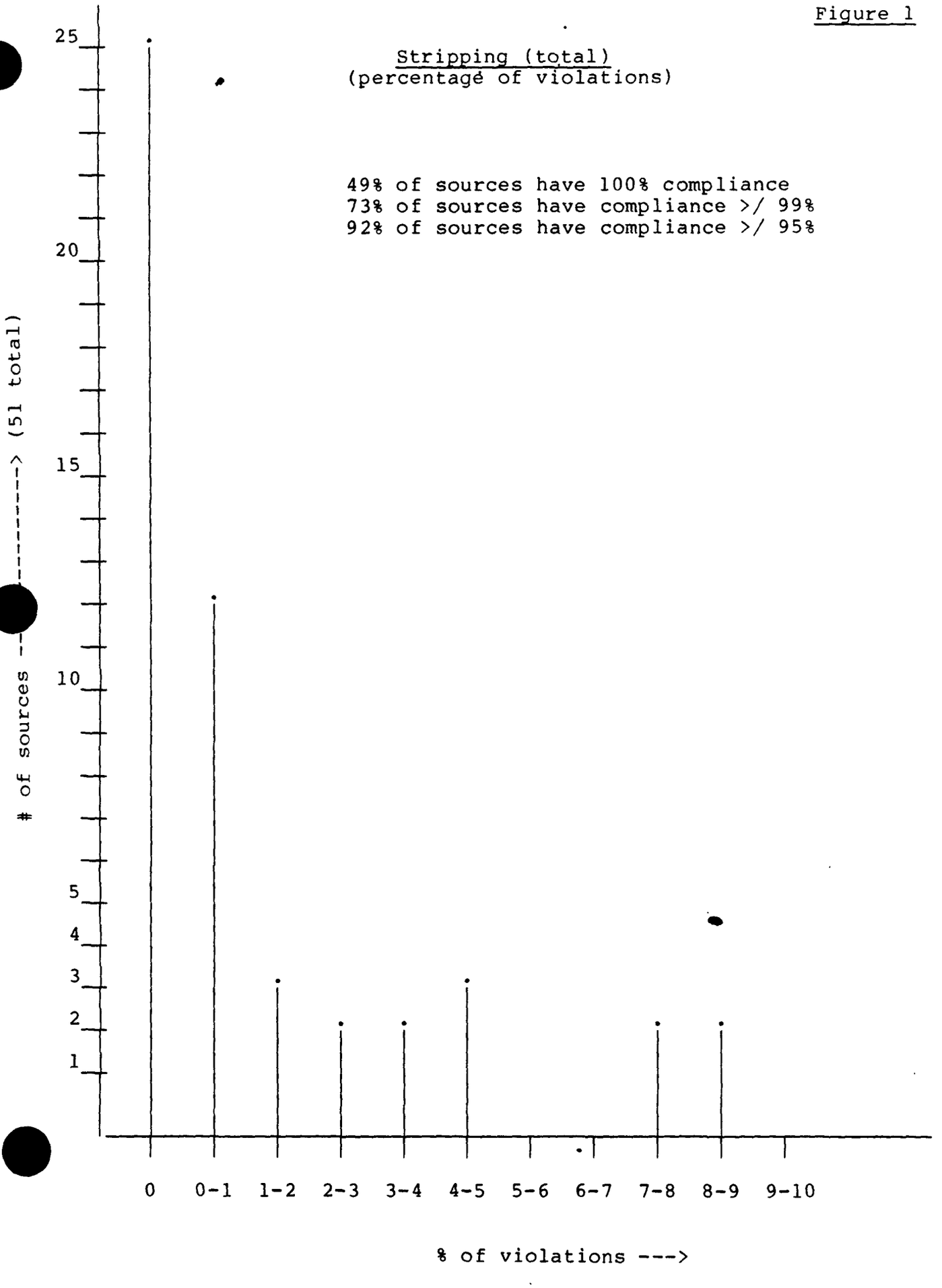

Stripping (total)
(percentage of violations)
49% of sources have 100% compliance
73% of sources have compliance >/ 99%
92% of sources have compliance >/ 95%
# of sources ----------> (51 total)
25
20
15
10
5
4
3
2
1
0
0-1
1-2
2-3
3-4
4-5
5-6
6-7
7-8
8-9
9-10
% of violations --->

Figure 2

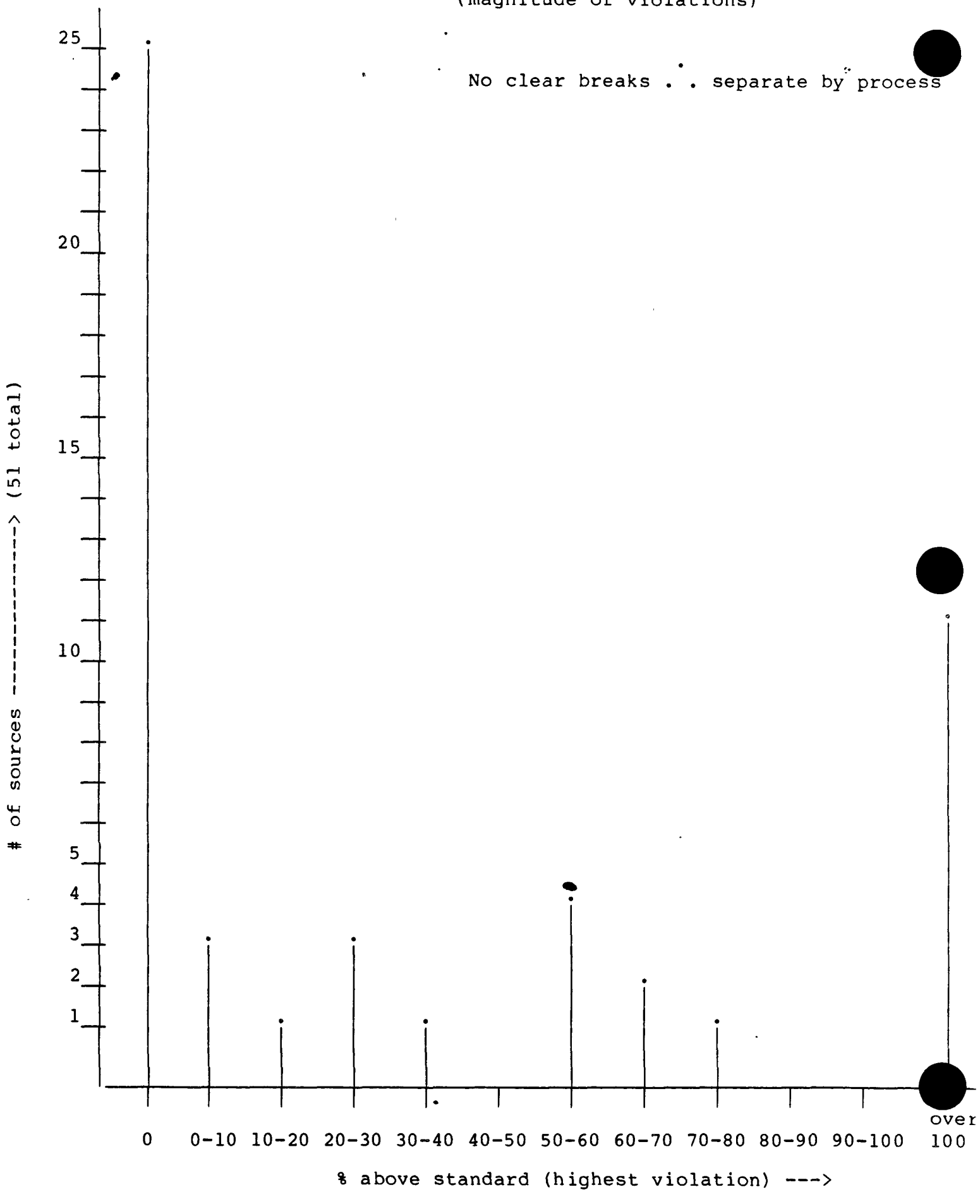

Stripping (total)
(magnitude of violations)
No clear breaks . . separate by process
# of sources ----------> (51 total)
25
20
15
10
5
4
3
2
1
0
0-10
10-20
20-30
30-40
40-50
50-60
60-70
70-80
80-90
90-100
over 100
% above standard (highest violation) --->

Figure 3

Stripping (suspension & latex)
(percentage of violations)

51% of sources have 100% compliance
82% of sources have compliance >/ 98%

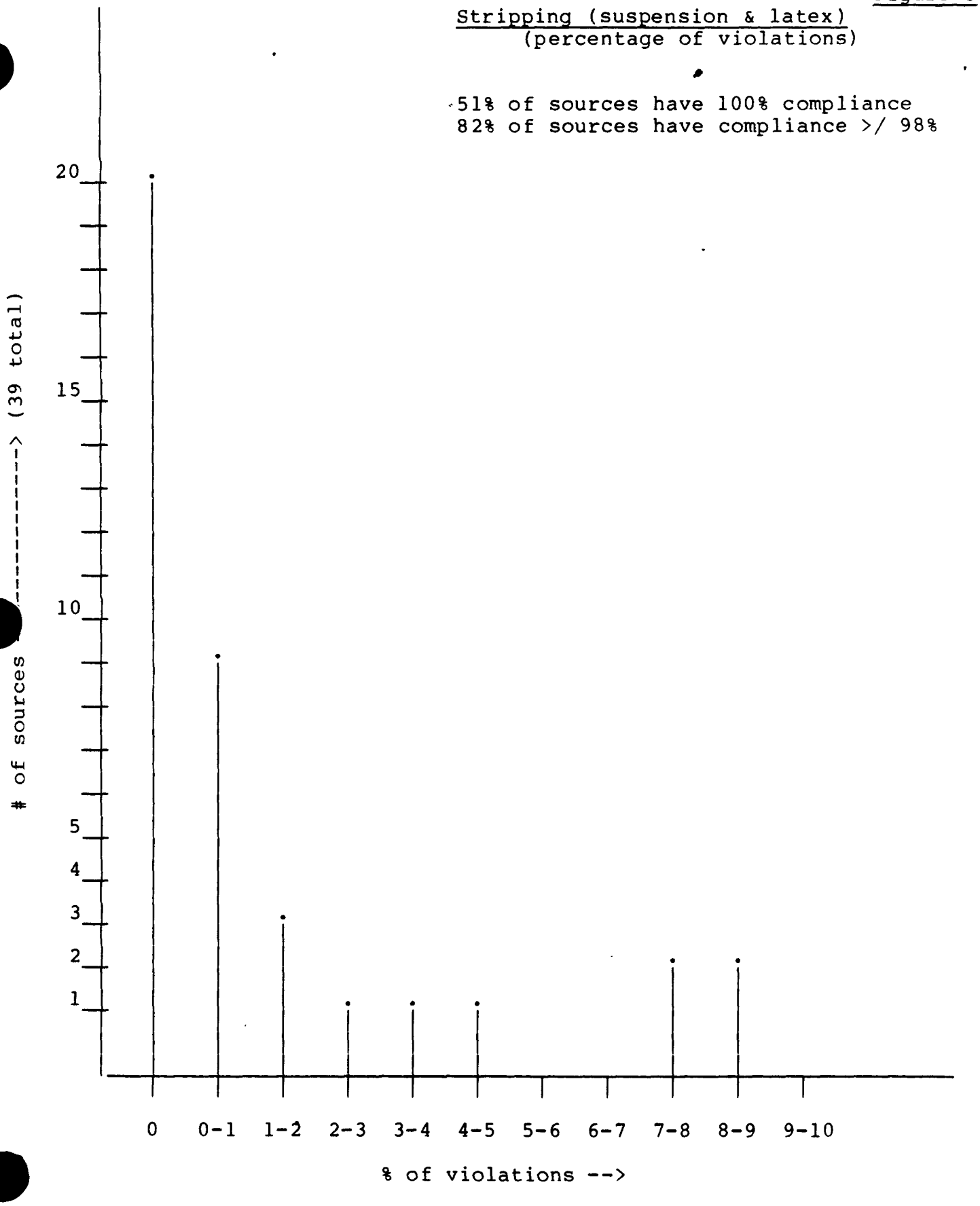


Figure 4

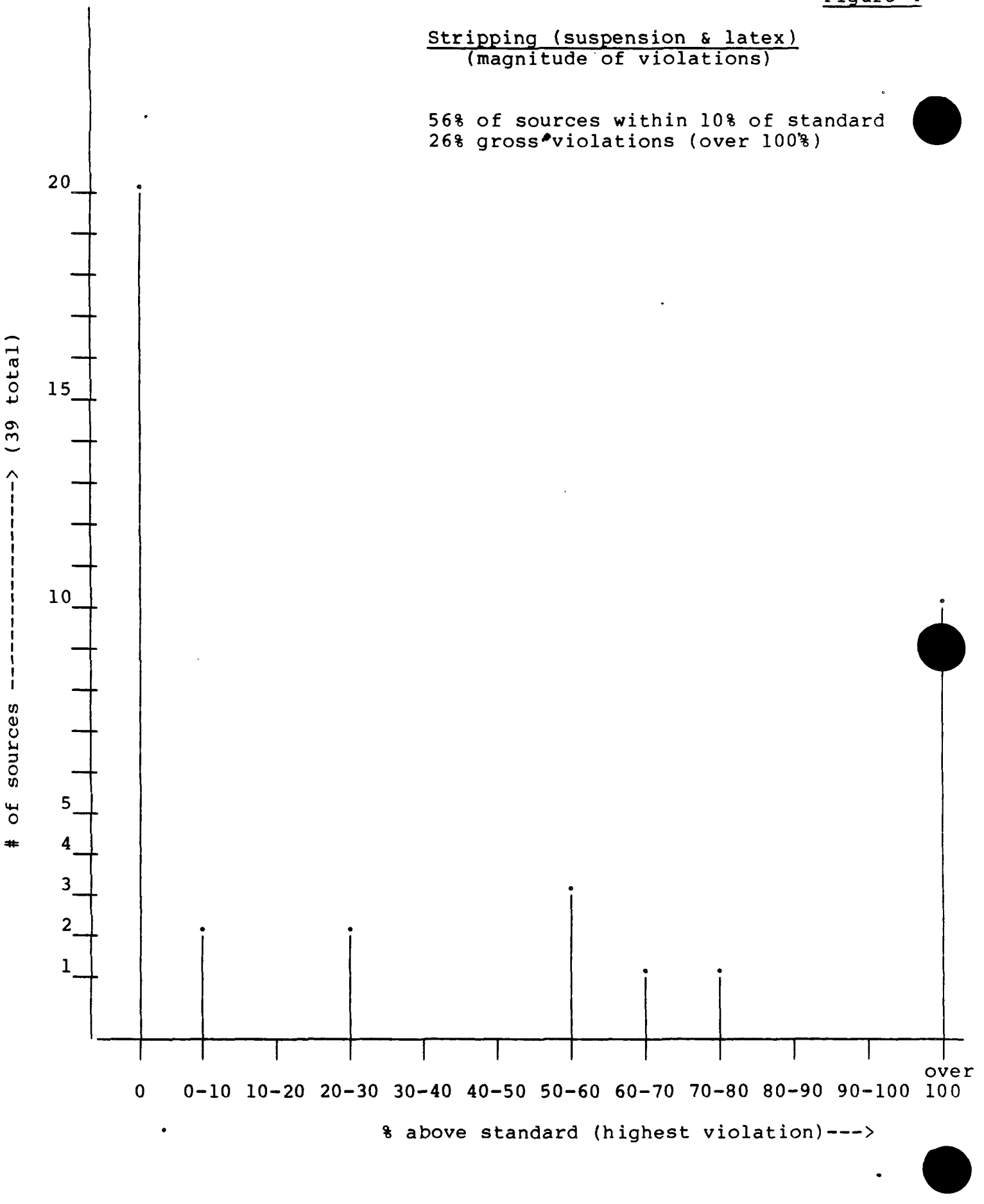

Stripping (suspension & latex)
(magnitude of violations)
56% of sources within 10% of standard
26% gross violations (over 100%)
# of sources ----------> (39 total)
20
15
10
5
4
3
2
1
0
0-10
10-20
20-30
30-40
40-50
50-60
60-70
70-80
80-90
90-100
over 100
% above standard (highest violation)--->

Figure 5

Stripping (dispersion)
(percentage of violations)

42% of sources have 100% compliance
67% of sources have compliance >/ 98%

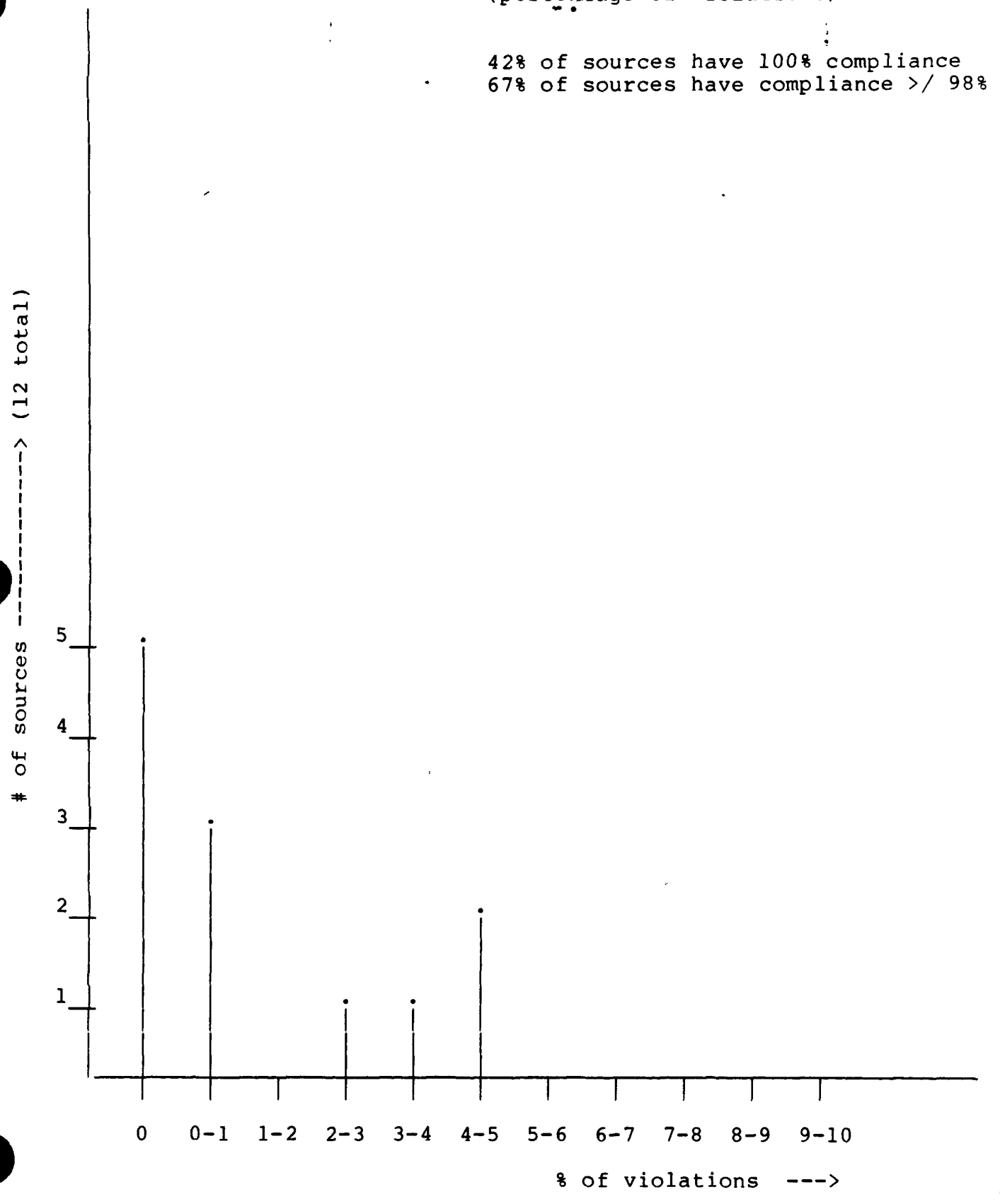


Figure 6

Stripping (dispersion)
(magnitude of violations)

50% of sources within 10% of standard

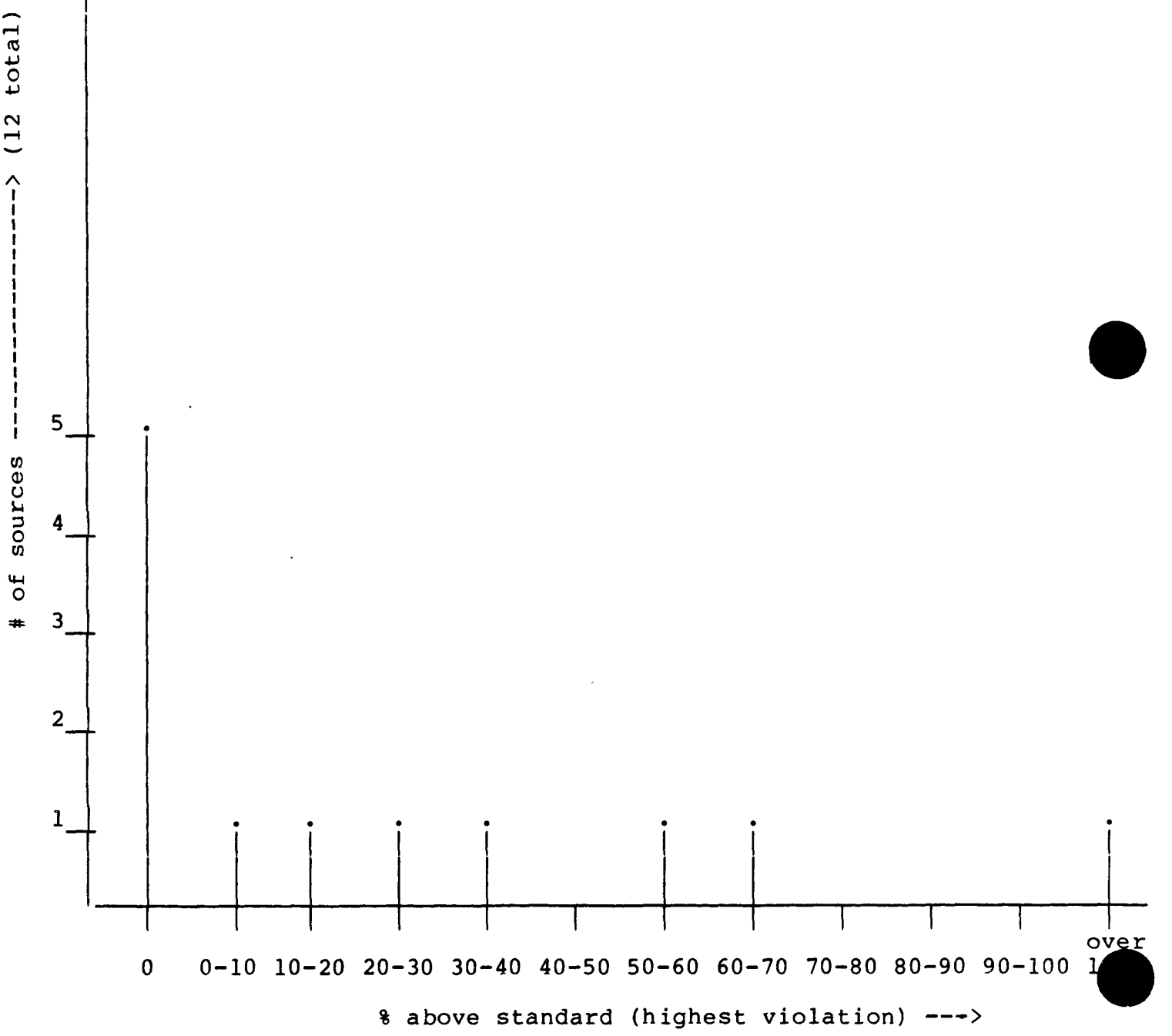


Figure 7

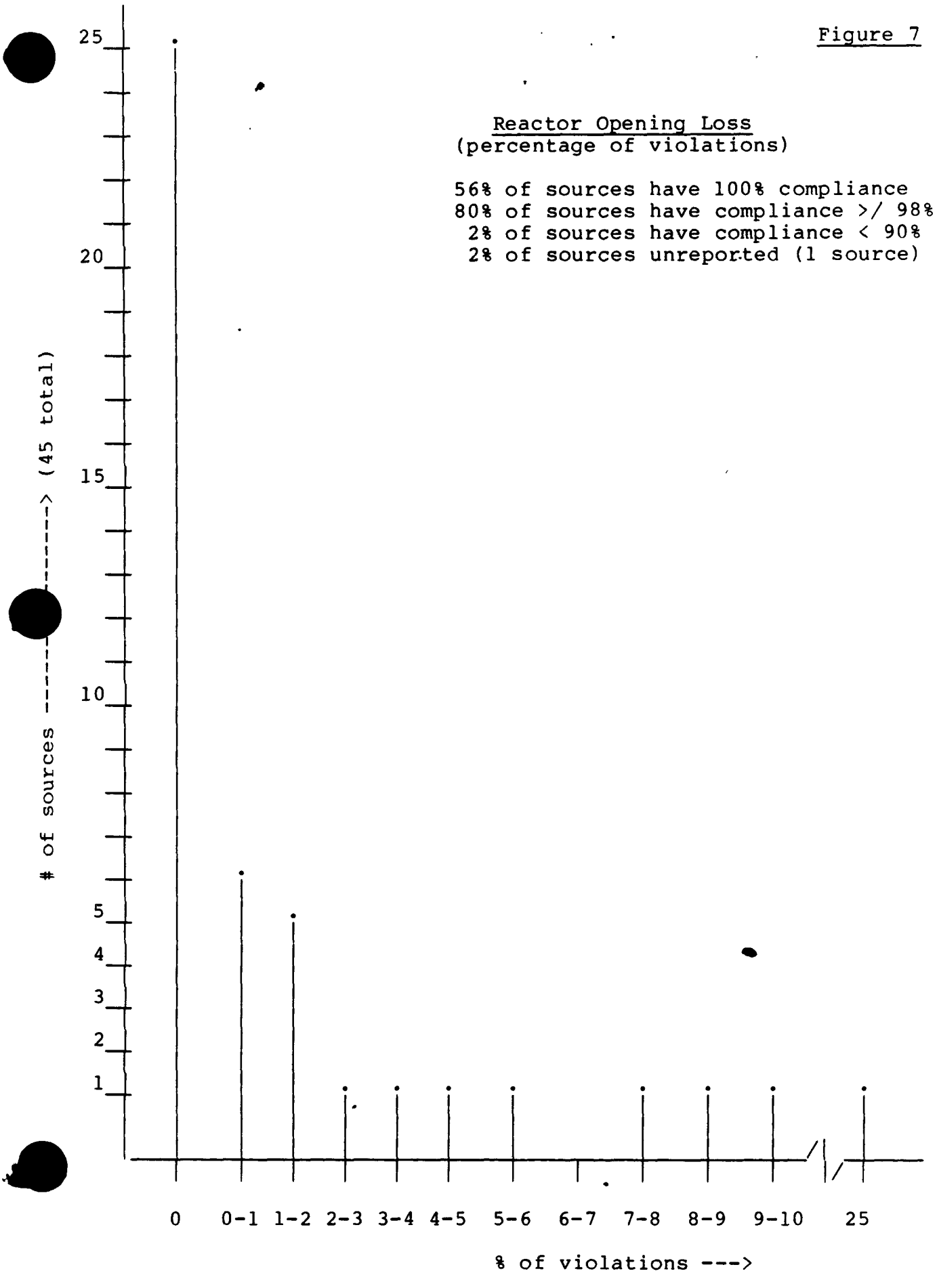

Reactor Opening Loss
(percentage of violations)
56% of sources have 100% compliance
80% of sources have compliance >/ 98%
2% of sources have compliance < 90%
2% of sources unreported (1 source)
# of sources ------> (45 total)
25
20
15
10
5
4
3
2
1
0
0-1
1-2
2-3
3-4
4-5
5-6
6-7
7-8
8-9
9-10
25
% of violations --->

Figure 8

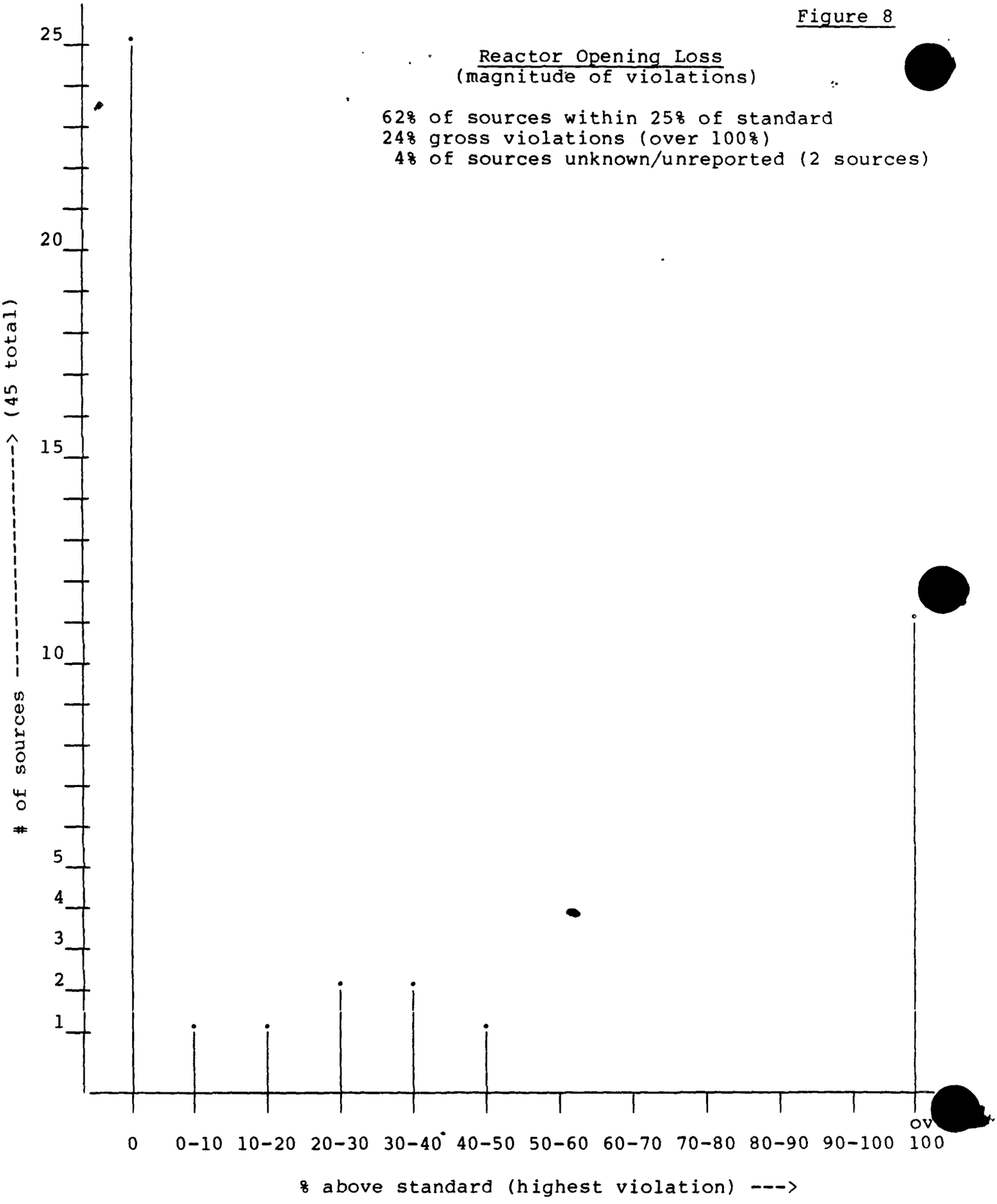

Reactor Opening Loss
(magnitude of violations)
62% of sources within 25% of standard
24% gross violations (over 100%)
4% of sources unknown/unreported (2 sources)
# of sources ----------> (45 total)
25
20
15
10
5
4
3
2
1
0
0-10
10-20
20-30
30-40
40-50
50-60
60-70
70-80
80-90
90-100
100
% above standard (highest violation) --->

TABLE 2: Enforcement Priorities

	Stripping (suspension and latex) (400 ppm)	Stripping (dispersion) (2000 ppm)	Reactor Opening Loss
Percentage of compliance*	<98%	<98%	<98%
Magnitude of violations*	10% above standard	10% above standard	25% above standard

Additional factors for enforcement:

1. No (or incomplete) reporting of violations
2. Repeated pattern of violations
3. Lack of attempts to remedy problem
4. Ability to remedy problem (identification of specific remedial measures)
5. Increasing (or constant) frequency & severity of violations
6. Comparison with other sources in Region
7. Industry trends
8. Actual or potential environmental harm/population exposure

* Generally, either factor is sufficient to prioritize a source for enforcement action. See page 4 of strategy.

TABLE 3: Current % of facilities targetted for enforcement action

		Stripping (suspension, latex)	Stripping (dispersion)	Reactor Opening Loss	Total
Nationwide (36 facilities)	%	19% (7)	11% (4)	22% (8)	
	Mag.	22% (8)	8% (3)	28% (10)	44%(16)
Region 1 (1 facilities)	%	0%	---	0%	
	Mag.	0%	---	0%	0%(0)
Region 2 (7 facilities)	%	14% (1)	14% (1)	29% (2)	
	Mag.	14% (1)	0%	14% (1)	57%(4)
Region 3 (4 facilities)	%	50% (2)	75% (3)	25% (1)	
	Mag.	50% (2)	75% (3)	50% (2)	75%(3)
Region 4 (5 facilities)	%	20% (1)	---	0%	
	Mag.	20% (1)	---	0%	20%(1)
Region 5 (5 facilities)	%	20% (1)	0%	0%	
	Mag.	20% (1)	0%	0%	20%(1)
Region 6 (11 facilities)	%	18% (2)	0%	45% (5)	
	Mag.	27% (3)	0%	64% (7)	64%(7)
Region 9 (3 facilities)	%	0%	---	0%	
	Mag.	0%	---	0%	0%(0)

NOTE: Facilities are only targeted under "magnitude of violation" if they have less than 99% compliance.

TABLE 4: Penalty Scheme

The following factors should be used to determine a penalty settlement figure:

- seriousness of violation (gravity component)
- degree of willfulness or negligence
- degree of cooperation or non-cooperation
- history of non-compliance or steady improvement
- ability to pay
- economic savings of noncompliance (if a specific piece of equipment can be identified as a necessary remedial measure)
- other unique factors.

The chart below is to be used to assess the gravity component of the penalty:

Relief Valve Discharges, Manual Vent Valve Discharges, Violations of 10 ppm Standards

Violations

Pounds of VC released	Penalty
0-1000	$1000
1-2000	2000
2-3000	3000
3-4000	4000
4-5000	5000
5-7500	10,000
7500-10,000	15,000
10-12,500	20,000
over 12,500	25,000

Failure to Report

Start with:

Size of Release not Reported (lbs)	Penalty
0-100	2000
100-500	5000
500-1000	10,000
1000-2000	20,000
over 2000	25,000

Graduated scale for late reporting (if not in response to direct request from State or EPA) - 10-day discharge reports

Within 2 months (from discharge)	25% of penalty
2-4 months	50% " "
4-6 months	75% " "
over 6 months	100% " "

Stripping Violations and Reactor Opening Loss Violations

Stripping

Magnitude of Violation		Penalty
Suspension/Latex	Dispersion	
400-500 ppm	2000-2500ppm	$1000
500-600	2500-3000	2000
600-700	3000-3500	3000
700-800	3500-4000	4000
800-900	4000-4500	5000
900-1200	4500-6000	10000
1200-1400	6000-7000	15000
1400-1600	7000-8000	20000
Over 1600	Over 8000	25000

Reactor Opening Loss

Penalty = $1000/violation (for each reactor)

Failure to Measure

Penalty = Maximum penalty amount for each type of violation
= $25000 (stripping)
= $1000 (reactor opening loss)

Failure to Submit Complete Semiannual Report

Penalty = $25000

Graduated scale for late reporting (if not in response to direct request from State or EPA)

Within 2 months	25% of penalty
2-4 months	50% " "
4-6 months	75% " "
Over 6 months	100% " "

Generally, this penalty scheme should be adhered to (with relatively minor adjustments) for the majority of cases. When a source would be subject to an unusually large penalty (e.g. $500,000 for a single type of violation), Regional Offices will have greater discretion in setting penalties provided that the figure is at least $500,000.

PN 112-84-06-01-004

JUN 1 1984

SUBJECT: Benzene NESHAPs Guidance

FROM: Director
Stationary Source Compliance Division
Office of Air Quality Planning and Standards

TO: Air & Waste Management Division Directors
Regions II, IV, VI-VIII, and X

Air Management Division Directors
Regions I, III, V, and IX

Attached are enforcement guidelines for the benzene NESHAPs, which is scheduled to be promulgated on June 4, 1984 and which will regulate benzene equipment leaks from fugitive emission sources. The guidelines summarize the regulations and address potential enforcement problems. All Regions should work with delegated States in identifying affected sources and ensuring those sources are in compliance with the benzene regulations.

The Stationary Source Compliance Division and the Emission Standards and Engineering Division have jointly agreed to present a one day session discussing the benzene NESHAPs, if there is sufficient interest among Regional personnel. The session is tentatively scheduled for Washington during the week of June 18. Please notify Robert Myers at (FTS) 382-2875 if representatives from your Region would be interested in attending such a meeting.

Edward E. Reich

Attachment

cc: Jack Farmer
Fred Dimmick
Earl Salo
NESHAPs Contacts

NOTE: Attachments 1 and 2 are not included in the Policy and Guidance Notebook. These attachments, along with a copy of this memorandum, will be found in the Section 112 portion of the Clean Air Act Compliance/Enforcement Guidance Manual -- Compendium of Operative Policies.

EN-34 YERS:amd:FINAL:6/1/84:Rm3202:382-2875
Disk: #11 Benzene

NESHAPS Enforcement Guideline S-28 - Benzene Equipment Leaks (Fugitive Emission Sources)

Benzene standards are being promulgated under the National Emission Standards for Hazardous Air Pollutants, Section 112 of the Clean Air Act. Standards under this section have already been promulgated for asbestos, beryllium, mercury, and vinyl chloride, and have been proposed for arsenic and radionuclides in addition to benzene. OAQPS has prepared this document to aid in enforcement and implementation of the benzene NESHAPs. This summarizes the benzene equipment being regulated and the standards to which this equipment is subject, and provides guidance on several issues of enforcement concern.

Background

On June 8, 1977 the Administrator declared benzene a hazardous air pollutant and a carcinogenic risk to human health. Standards were later proposed for four sources of benzene emissions. These sources were benzene equipment leaks (fugitive emission sources), proposed 1/5/81, 46 FR 1165, maleic anhydride plants, ethylbenzene/styrene plants, and benzene storage vessels. Further analysis has led EPA to conclude that both the benzene health risks (annual leukemia incidence and maximum lifetime risk) to the public from the latter three source categories and the potential reduction in health risks achievable with available control techniques are too small to warrant action under Section 112 for these three categories. As a result, EPA proposed on March 6, 1984, 49 FR 8386, to withdraw the proposed standards for these three categories. Because of the magnitude of benzene fugitive emissions, the projected increase in emissions as a result of new sources, and the estimated decrease in risks and emissions achievable through controls, EPA found fugitive benzene emissions posed a significant risk and should be regulated.

Introduction

Valves, pumps, flanges and other pieces of equipment are used extensively in the refining and organic chemical industries to move streams of organic compounds to and from

various process vessels. Since this type of equipment can develop leaks, each individual piece is a potential source of organic compound emissions whenever it handles a process stream containing such compounds. Benzene fugitive emissions sources are pieces of equipment handling streams that could potentially contain benzene. These include sources that develop leaks after some period of operation due to seal failure as well as other sources that can emit benzene when used in specific conditions in the production unit. The sources that develop leaks due to seal failure are those using a sealing mechanism to limit the escape of organic compounds to atmosphere. These include pumps, valves, flanges, relief valves and compressors. Other types of equipment are potential benzene fugitive emissions sources for reasons other than leaking seals. These types of equipment might have the potential for intermittent benzene emissions because they vent organic materials that contain benzene to atmosphere, and include sampling connections, open-ended valves, and product accumulator vessels.

Scope and Applicability

The standard covers new and existing valves, pumps, compressors, pressure relief devices, sampling connection systems, open-ended valves or lines, pipeline flanges, product accumulator vessels, and closed vent systems and control devices used to comply with the standard. This equipment is used in the production of benzene and other chemicals and products, such as maleic anhydride, ethanol, and pharmaceuticals.

To be covered the equipment must be in benzene service, i.e., it must contain material with a benzene concentration of 10 percent or more by weight. See the compliance issues topic for a discussion of "in benzene service".

Exempted from this standard is equipment located in process units that produce benzene or benzene mixtures at coke by-product plants. These will be covered by other regulations. Additionally, plant sites designed to produce or use benzene in quantities of 1000 Mg/yr or less are exempt from the standard. The source owner or operator has the responsibility of demonstrating to EPA's satisfaction that the site is below the 1000 Mg/yr threshold level. Such a demonstration can be accomplished by engineering analysis as well as by proof of physical limitation of plant capacity.

Controls for new and existing sources are the same. In the case of an existing source or a new source which has an initial startup date preceding the effective date, the standard applies within 90 days of the effective date, unless a waiver is granted pursuant to §61.11.

EPA estimates the standard will affect equipment located in approximately 240 existing process units and an expected 70 new process units by 1985. Attachment 1 lists 131 plant sites EPA has identified as having the potential to emit benzene fugitive emissions. This list is not exhaustive and Regions and States should seek to identify other affected sites and confirm the accuracy of those listed.

Standards

Generic standards for equipment leaks are presented under Subpart V of 40 CFR 61. Subpart J, standards for benzene equipment leaks, requires that affected sources must meet the requirements of Subpart V. Two basic control techniques are employed by the standard to reduce benzene fugitive emissions. These are leak detection and repair programs in which fugitive source leaks are located and repaired at regular intervals, and preventive programs in which potential fugitive sources are eliminated by either retrofitting with specified controls or replacement with leakless equipment. A discussion of the specific standards for each affected piece of equipment follows.

1. Valves. This is one of the most common pieces of equipment in a refinery or organic chemical production unit. It ordinarily is activated by a valve stem requiring a seal to isolate the process fluid from atmosphere. Since the potential for leaks exists, valves are subject to regulation.

A monthly leak detection and repair program is required for valves in gas or liquid service. Gas and liquid service are defined under §61.191. Quarterly monitoring will be allowed for valves that have been found not to leak for two successive months. Leak detection is to be performed with a portable organic vapor analyzer, according to Reference Method 21 of 40 CFR 60, Appendix A. A leak is described as a reading of 10,000 ppm or greater of organic material. Whenever a leak is detected the valve must be tagged until repaired and, at a minimum, must be monitored monthly until a leak is not detected for two successive months.

Initial repair of the leak must be attempted within 5 days, and the repair must be completed within 15 days. Initial repair includes, but is not limited to, the following best practices where practicable:

(1) tightening of bonnet bolts;

(2) replacement of bonnet bolts;

(3) tightening of packing gland nuts; and

(4) injection of lubricant into lubricated packing.

See §61.192-7(e).

An annual leak detection and repair program is required to be developed and followed if the valves are difficult to monitor. The description of this program must be kept in a readily accessible location. Difficult to monitor valves are those that would require elevating the monitoring personnel more than two meters above any permanent available support surface. Valves that cannot be safely monitored by the use of step ladders could be classified as difficult to monitor.

For valves which are unsafe to monitor, an owner or operator is required to develop and follow a plan that defines a leak detection and repair program conforming with the routine monitoring requirements of the standard as much as possible, with the understanding that monitoring should not occur during unsafe conditions. Unsafe to monitor valves are defined as those that could, as demonstrated by the owner or operator, expose monitoring personnel to imminent hazards from temperature, pressure, or explosive process conditions. There should be very few valves in benzene service that are unsafe to monitor.

Two alternative standards are available for valves in gas/vapor and liquid service. The first alternative specifies a two percent limitation as the maximum percent of valves leaking within a process unit, determined by an initial performance test and a minimum of one performance test annually thereafter. Process unit is defined at §61.191. This alternative could be met by implementing any type of program and engineering controls chosen at the discretion of

the owner or operator. If the percentage of valves leaking is higher than two percent, the process unit is in violation. If owners or operators decide they no longer wish to comply with this alternative, they must submit written notice to EPA accepting compliance with the monthly/quarterly leak detection and repair program.

The second alternative standard specifies two skip-period leak detection and repair programs. Under this option an owner or operator upon notifying EPA can skip from monthly/quarterly monitoring to something less frequent after completing a specified number of consecutive monitoring intervals with the percentage of valves leaking equal to or less than 2.0. Under the first program, after two consecutive quarterly periods with fewer than two percent of valves leaking, an owner or operator may skip to semiannual monitoring. Under the second program after 5 consecutive quarterly periods with fewer than two percent of valves leaking, annual monitoring may be adopted. An owner or operator cannot adopt semiannual monitoring and then proceed directly to annual monitoring by claiming one period of semiannual monitoring substitutes for two quarterly periods. If the owner or operator finds the two percent level is exceeded, he or she must revert to monthly/quarterly leak detection and repair. If EPA finds the two percent level is exceeded, an evaluation of compliance should occur. This alternative differs from the first alternative because the type of compliance program chosen must be leak detection and repair, rather than a program at the discretion of the owner or operator.

An owner or operator electing to comply with the provisions of either of these options must notify the Administrator 90 days before implementing the option.

Delay of repair for equipment for which leaks have been detected is allowed under certain circumstances. See §61.192-10. There are two general circumstances where repair delays for pumps, compressors and closed-vent systems, as well as for valves, are allowable. The first is where repair is technically or physically infeasible without a process unit shutdown, defined as a work practice or operational procedure stopping production. The use of spare equipment and technically feasible bypassing of equipment without stopping production are not process unit shutdowns. Repair must occur before the end of the next process unit shutdown; hence, only one

shutdown may be passed before repair is always required. Repair is required during scheduled shutdowns of any duration and during unscheduled shutdowns of over 24 hours.

The second general circumstance where repair delay is allowed is if the equipment is isolated from the process and no longer contains benzene in concentrations greater than ten percent.

Delay of repair specifically for valves is allowed beyond a process unit shutdown when unforeseeable circumstances deplete valves used for repair. The valve assembly supplies must have been sufficiently stocked before the supplies were depleted. In this case delay of repair beyond the next process unit shutdown will not be allowed unless the next process unit shutdown occurs sooner than six months after the first shutdown. Delay of repair for valves is also allowed if the owner or operator can show that leakage of purged material resulting from immediate repair would be greater than the fugitive equipment leaks likely to result from delay of repair, and that when repairs are effected, the purged material is destroyed or recovered in a control device.

2. Pumps - A pump normally has a shaft that requires a seal to isolate the process fluid from atmosphere. Packed and mechanical shaft seals are most common. If the seal becomes imperfect due to wear, compounds being pumped leak.

Requirements for pumps are similar to those for valves. A monthly leak detection and repair program is required, with detection determined by Reference Method 21. Alternatively, dual mechanical seals may be used under conditions specified at §61.192-2(d). Each pump must be visually inspected weekly for indications of liquid dripping from the pump seal. A reading of at least 10,000 ppm or indication of liquids dripping is a leak.

Initial pump leak repair must be attempted within five days and completed within 15. Delay of repair is allowed for pumps that cannot be repaired without a process unit shutdown and a delay of up to six months after leak detection is allowed when the owner or operator determines that repair requires use of a dual mechanical seal system with barrier fluid system. Any pump equipped with a closed-vent system capable of capturing and transporting any leakage from the seal to a control device is exempt from the requirements.

3. Compressors - Compressors have a shaft that requires a seal to isolate the process gas from atmosphere. The potential for a leak through this seal makes it a potential source of benzene emissions. The standard requires the use of seals with barrier fluid systems that prevent leakage. The barrier fluid system must be equipped with a sensor that will detect failure of the seal or barrier fluid system. Sensors must be checked daily or have an alarm. If the sensor detects a failure, a leak is detected. Leaks must be repaired within 15 days. A compressor is exempt from the above if it is equipped with a closed-vent system transporting leaks to a control device, or it satisfies the no detectable emissions provision at §61.192-3(i).

4. Pressure relief devices in gas/vapor service. The standard requires no detectable emissions, which is a reading of less than 500 ppmv above background based on Reference Method 21. Annual verification is required. As an alternative, compliance may be achieved by use of a rupture disk system or closed-vent system capable of capturing and transporting leakage from the pressure relief device to a control device, such as a flare. This standard does not apply to discharges during overpressure relief, but the relief device must be returned to a no detectable emissions status within five days of such a discharge. Additionally, relief valve simmering (wherein the system pressure is close to valve set pressure) is not allowed.

5. Sampling Connection Systems - Product quality and process unit operation is checked periodically by analysis of feedstocks, intermediates, and products. To obtain representative samples for these analyses, sampling lines generally are purged first. If this flushing liquid purge is not returned to the process, it could be drained onto the ground or into a process drain, where it would evaporate and release benzene to atmosphere.

The standard provides for closed-purge sampling to eliminate emissions due to purging by either returning the purge material directly to the process or by collecting the purge in a collection system generally closed to the atmosphere and disposing of it in an appropriately designed control device. Closed-vent vacuum systems connected to a control device and in-situ sampling systems are also allowed.

6. Open-Ended Valves or Lines - Some valves are installed in a system so that they function with the downstream line open to atmosphere. A faulty valve seat or incompletely closed valve would cause leakage through the valve. The use of caps, plugs, or any other equipment that will effect enclosure of the open end is required. If a second valve is used, the standard requires the upstream valve to be closed first. This prevents the trapping of process fluid between the two valves.

7. Product Accumulator Vessels, Flanges, Pressure Relief Devices in Liquid Service - Product accumulator vessels are utilized with fractionation columns, and may be vented directly or indirectly to atmosphere. Flanges are gasket-sealed junctions which may develop seal leaks. Pressure relief devices are designed to release a product material from distillation columns and other pressurized systems during emergency or upset conditions.

The standard for product accumulator vessels effectively requires venting accumulator emissions to a control device, or use of a closed-vent system. Flanges and pressure relief devices in liquid service are excluded from routine leak detection and repair requirements, but if leaks are detected by visual, audible or olfactory techniques, they are subject to the same allowable repair interval as applies to valves and pumps.

8. Closed-Vent Systems and Control Devices - Control devices will be used to reduce benzene equipment leaks captured and transported through closed-vent systems. Reference Method 21 will be used to verify that a closed-vent system has been designed and installed properly. Method 21 requires that closed vent systems be checked visually to ensure there are no leaks where they would not be expected (e.g., in pipes) and also requires the monitoring of connections that are expected to leak occasionally.

Enclosed combustion devices, such as incinerators, catalytic incinerators, boilers, or process heaters must be designed to reduce emissions vented to them with an efficiency of 95% or greater or provide a minimum residence time of 0.50 seconds at a minimum temperature of 760° C. Vapor recovery systems such as carbon adsorbers or condensation units must be designed and operated to recover the organic vapors vented to them with an efficiency of 95% or greater. As an alternative the use of smokeless flares designed

for and operated with no visible emissions is allowed. Specific flare conditions established at §61.192-11(d) and §61.195(e) must be met and destruction efficiency must be over 95%. Equipment purges from valves, pump seals, compressor seals, pressure relief devices, sampling connection systems, and product accumulator vessels must be vented to a system complying with the requirements of the control device portion of the standard.

Closed-vent systems must be designed and operated with no detectable emissions, as indicated by an instrument reading of below 500 ppm above background and by visual inspections. See §61.195(c). They shall be monitored initially, annually, and at other times requested by the Administrator. Leaks must be repaired as soon as practicable, but not later than 15 days after detection, with a first attempt no later than five days after detection.

Equivalent Means of Emission Limitation

Each owner or operator may apply to the Administrator for determination of equivalence for any means of emission limitation that achieves a reduction at least equivalent to the reduction achieved by the required controls. Guidelines for the determination of equivalence are provided at §61.194(b) and (c). Acceptance of such an equivalent method must be approved by the Administrator and published in the Federal Register. Such a request applies to pumps, compressors, sampling connection systems, open-ended valves or lines, valves, pressure relief devices, product accumulator vessels and closed-vent systems and control devices. Such requests should be forwarded to the Emission Standards and Engineering Division (ESED) for review and approval.

No·Detectable Emissions

Pumps pursuant to §61.192-2(e), compressors pursuant to §61.192-3(i) and valves pursuant to §61.192-7(f) may be designated for no detectable emissions, indicated by a Method 21 instrument reading of less than 500 ppm above background. These pieces of equipment would be exempt from other requirements, as specified. Pressure relief devices in gas/vapor service and closed-vent systems must be designed for and operated with no visible emissions, with compliance determined by Method 21. Compliance of flares with the no visible emissions standard, as provided at §61.192-11(d), shall be determined by Reference Method 22.

Peformance tests shall be conducted a minimum of once per year, except for pressure relief devices and flares. Pressure relief devices shall be tested no later than five calendar days after each pressure release. Flares shall be monitored with an appropriate heat sensor, such as a thermocouple, to ensure the presence of a flame. Also, flares must be a smokeless operation, as evidenced by visible emissions for a maximum of 5 minutes in any 2-hour period.

Reporting Requirements

Reporting requirements, described under §61.197, are of two types. The first is an initial report, and the second a series of semiannual reports. An initial report must be submitted within 90 days of the effective date for existing sources or new sources having an initial startup date preceding the effective date. For new sources with a startup date after the effective date, the initial report must be submitted with the application for approval of construction, as described in §61.07.

Receipt of the initial report is essential for ensuring compliance with this standard. The report must specify equipment identification number and process unit identification, type of equipment, percent by weight benzene in the equipment fluid, process fluid state (gas/vapor or liquid), and method of compliance with the standard (monthly leak detection, no detectable emissions, etc.).

Semiannual reports of leak detection and repair efforts within a process unit are required. The reports must include the number of leaks occurring within the process unit during the reporting period, the number of leaks that could not be repaired within 15 days, and the general reasons for unsuccessful or delayed repair past 15 days. Reports may be photocopies of reports under other regulations, provided the informational requirements of §61.197 are satisfied.

Recordkeeping Requirements

These are specified at §61.196. Each leak shall be identified and tagged, and this must be retained until the leak is repaired. When each leak is detected, records should be kept of the equipment and operator identification numbers,

dates for detection and repair, method of repair, and any reason for delay of repair. These must be kept for two years. Recordkeeping pertaining to the design requirements for closed-vent systems and control devices must be recorded in a log and kept in a readily accessible location. This recordkeeping includes detailed schematics, design specifications, a description of the parameters monitored to ensure proper control device operation and maintenance, periods when the closed-vent sytems and control devices were not operated as designed, periods when a flame pilot light did not have a flame, and dates of startups and shutdowns of the systems. Additionally, records must be kept explaining why valves have been classified as unsafe or difficult to monitor and providing plans for monitoring such valves. Records must be kept showing analyses demonstrating that equipment is not in benzene service.

Compliance Issues

Compliance is determined by review of records required by §61.196, review of performance test results, and inspections (EPA/State leak detections) using the methods and procedures specified in §61.195. There are, however, several potential compliance issues for which guidance is provided here.

1. For purposes of determining the percent benzene content, §61.195(d) provides that ASTM Method D-2267 shall be used or an owner or operator may use engineering judgment to demonstrate that the percent benzene content does not exceed 10 percent by weight. In case of a dispute the ASTM method takes precedence. It should be noted that each piece of equipment within a process unit that can conceivably contain equipment in benzene service is presumed to be in benzene service unless an owner or operator demonstrates otherwise. For a piece of equipment to be considered not in service, it must be determined that the percent benzene content can be reasonably expected never to exceed ten percent by weight. The burden is on the owner or operator to show equipment is not in benzene service.

2. Several benzene equipment standards require that the owner or operator develop, based on design considerations and operating experience, a criterion indicating system failure. See §61.192-2(d)(5) for pumps and §61.192-3(e)(2) for compressors. The valve standard requires at §61.192-7(g) that the owner or operator have written plans for monitoring unsafe-to-monitor-valves during safe periods and at §61.192-7(h) that the owner

or operator have written plans for monitoring difficult-to-monitor valves at least once per year. Although none of these plans requires EPA approval, all must be accessible to inspection personnel. Should the plan appear inadequate, inspectors may request development of a new plan or a performance test when applicable to ensure compliance is being achieved. If the plan is obviously inadequate (intentionally inadequate), a violation should be pursued.

3. The standard for closed-vent systems and control devices at §61.192-11(e) requires that owners and operators of control devices used to comply with the standard monitor their control devices to ensure they are operated and maintained in conformance with their designs. No monitoring parameters are suggested; however, the owner or operator must achieve 95% control and the parameter selected must indicate this.

The Synthetic Organic Chemical Manufacturing Industry Promulgation Background Document (EPA 450/3-30-033b, June 1982, Appendix B) provides acceptable monitoring parameters and equipment. These include operating temperature or flowrate of fugitive emission vent streams for incinerators, flow recorders to verify steam flow for boilers, thermocouples or ultraviolet beam sensors for flares, temperature and specific gravity of the absorbing liquid for absorbers, offgas exit temperature for condensers, and carbon bed temperature and steam flow recorders for carbon adsorbers. See Attachment II.

Whatever parameter is chosen, the owner or operator should be aware that EPA can require an engineering evaluation at any time to ensure the parameter is appropriate and monitors the operation of the control device in accordance with the standard.

4. The general provisions at §61.10 and 61.11 allow EPA to grant a waiver from a benzene standard for a period of up to two years, if the owner or operator of an existing source subject to that standard is unable to operate in compliance with the standard. Most benzene requirements are in the form of work practice standards, and waivers from these standards would not be appropriate. However, certain provisions may require retrofitting of controls. These include standards for compressors (mechanical seals with barrier fluid systems) pressure relief devices (rupture disk systems or closed-vent systems to flares), and product accumulator vessels (must vent

emissions to a control device or use a closed-vent system). In cases where retrofit controls are necessary, requests for waivers should be examined on a case-by-case basis. Although ESED believes installation of controls should typically take no more than one year, individual situations may require additional time.

PN 112-82-03-24-002

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 24 1982

OFFICE OF
AIR, NOISE AND RADIATION

MEMORANDUM

SUBJECT: Delegation of Authority to States: NESHAPS

FROM: Kathleen M. Bennett
Assistant Administrator for Air, Noise and Radiation

TO: Regional Administrators, Regions I - X

Several Regional offices have requested guidance on issuing an "automatic" delegation to States of the authority to implement the NESHAP program. There has also been a request for guidance on delegation of the authority to grant waivers of compliance with NESHAPS.

As discussed in my guidance document of December 29, 1981, for the Administrator's Accountability System,

> the Agency should be as flexible as possible in the determination of when a State program is adequate and delegation should be made. The appropriate attitude toward State and local agencies is to presume both capability and proper intention, if at all possible.

In order to promote the delegation of the NESHAP program (as well as the NSPS program), an "automatic" delegation to the States should be pursued. Automatic delegation would not only provide States with the implementing authority for current standards under the NESHAP program, but would also provide the authority for future standards as they are published in the Federal Register. Again citing the guidance document,

> regional offices should foster this approach by consulting with appropriate State officials and attempt to resolve any legal issues which may inhibit this approach in some States.

With regard to delegating the authority to grant waivers of compliance with NESHAPS, the Agency has now concluded that this authority could be incorporated into the "automatic" delegation of the NESHAP program. Originally the Agency had retained the authority to grant waivers to insure consistent application of the standards while the States were familiarizing themselves with this program. Because there was never any legal restriction preventing

the delegation of this authority, the Agency has now determined that the States have advanced in their general understanding of the program and that they can assume this additional responsibility. Therefore, the current policy with respect to delegation of authority to grant waivers of compliance is to include this function in the "automatic" delegation of the NESHAP program.

As a clarification, it should be noted that no sources are currently eligible for waivers of compliance and would not be caught in the interim during any transfer of authority to States to grant waivers. The waiver period of two years from the effective date of any present NESHAP standard has already expired. Therefore, the need to issue waivers to existing sources will not arise until new standards are promulgated under the NESHAP program.

If you have any questions concerning the delegation of authority to States for the NESHAP or NSPS programs, you should contact Bern Steigerwald at the Office of Air Quality, Planning, and Standards (OAQPS). OAQPS is assuming the programmatic role for delegation of authority. Mr. Steigerwald may be contacted at FTS 629-5555.

PN 112-78-03-30-001

bcc:Ron Naveen, OGC
DSSE:DFarnsworth:ver:EN-341:Rm 3202:3-29-78

MAR 30 1978

MEMORANDUM

Subject: State Enforcement of Asbestos Demolition Regulations in Light of Adamo Wrecking Company v. United States, 11 ERC 1081 (January 10, 1978)

From: Director
Division of Stationary Source Enforcement

To: Abraham Ferdes (3EN11)
Air Enforcement Branch, Region III

Your February 24, 1978, memorandum requested clarification of State authority to enforce work practice standards to control emission from demolition and renovation projects. You particularly sought our comment on an opinion submitted to the Pennsylvania DER by Pennsylvania Assistant Attorney General Michael Alushin regarding Pennsylvania's authority to independently enforce hazardous air pollutant standards.

It is our opinion that Mr. Alushin's determination that the State may independently enforce its hazardous air pollutant standards is correct. States which adopted work practice standards under independent authority of a State law (as opposed to being delegated the responsibility to enforce Federal standards as EPA's "agent" without adoption of standards pursuant to State enabling legislation) are not affected by the Supreme Court's Adamo opinion. Such a State may continue to enforce its own work practice standards.

States and citizens also have the authority to enforce the Federal work practice standards (40 CFR §61.22), under Section 304 of the Clean Air Act, as amended, 42 U.S.C. §7604. (See the definition of emission standard in Section 304(f)(3) which specifically includes work practice regulations.) However, Section 304 actions do have some drawbacks, particularly with regard to enforcing these standards against transient operations such as building demolitions.

For example, sixty-day ante litem notices must be filed with the Administrator, State and source prior to the filing of a civil action. In addition, only injunctive relief is available in a Section 304 action; penalties may not be collected. Because of these drawbacks, citizen suits under this Section of the Act are not an optimal enforcement mechanism to assure compliance with the work practice regulations.

If we can be of any further assistance to you in this matter, please contact Doug Farnsworth of my staff (FTS 755-2570).

Edward E. Reich

cc: Steve Wassersug, Director
Enforcement Division, Region III

bcc: Ron Naveen, OGC

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 113
(VOLUME 1)

** CLEAN AIR ACT SECTION 113

* PN113-75-11-05-001
NON-DISCRETIONARY ENFORCEMENT DUTIES - ISSUANCE OF NOTICES OF VIOLATION

* PN113-76-06-25-002
DOCUMENTATION OF VIOLATION EXTENDING 30 DAYS BEYOND NOTICE OF VIOLATION UNDER SECTION 113 OF THE CLEAN AIR ACT

* PN113-76-08-12-003
ENFORCEMENT OF SIPS UNDERGOING REVISION

* PN113-76-08-13-004
"REVIEWABILITY" OF EPA DETERMINATIONS IN SIP ENFORCEMENT ACTIONS

* PN113-78-07-27-005
ENFORCEMENT UNDER CLEAN AIR ACT AMENDMENTS - ORDERS UNDER SECTION 113(A) AND 113(D)

* PN113-80-03-11-006
INTERIM PARTICULATE CONTROLS

* PN113-80-05-27-007
DELAYED COMPLIANCE ORDERS REQUIRING SIP COMPLIANCE THROUGH TEMPORARY CONTROL MEASURES - AMENDED GUIDANCE

* PN113-82-05-04-013
GUIDANCE ON POLICY FOR ENFORCEMENT OF VE VIOLATIONS AGAINST SOURCES WHICH ARE MEETING AN APPLICABLE MASS EMISSION STANDARD

* PN113-82-08-12-014
GUIDANCE CONCERNING EPA'S USE OF CONTINUOUS EMISSION MONITORING DATA

* PN113-83-02-15-017
POLICY ON EXCESS EMISSIONS DURING STARTUP, SHUTDOWN, MAINTENANCE, AND MALFUNCTIONS

* PN113-83-01-12-018
GUIDANCE ON IMPLEMENTATION OF THE 1982 DEADLINE ENFORCEMENT POLICY ISSUED SEPTEMBER 20, 1982

* PN113-83-04-12-019
LETTER TO ROBERT R. WAHLER FROM KATHLEEN BENNETT RE ENFORCEMENT POLICY ON INTERIM PARTICULATE CONTROLS

* PN113-83-04-26-020
PROCEDURES FOR REVIEW AND FEDERAL REGISTER PUBLICATION OF DELAYED COMPLIANCE ORDERS UNDER SECTION 113(D) OF THE CLEAN AIR ACT

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 113
(VOLUME 1)

* PN113-84-10-05-021
FINAL TECHNICAL GUIDANCE ON THE REVIEW AND USE OF EXCESS EMISSION REPORTS

* PN113-84-12-20-022
POLICY ON NO-ACTION ASSURANCES

* PN113-85-04-24-023
ACHIEVING VOC COMPLIANCE FROM DEPARTMENT OF DEFENSE CONTRACTOR FACILITIES

* PN113-85-06-28-024
PARTICULATE MATTER INTERIM ENFORCEMENT POLICY

* PN113-85-10-30-025
FINAL TECHNICAL GUIDANCE ON THE REVIEW AND USE OF COAL SAMPLING AND ANALYSIS DATA

* PN113-85-11-27-026
REVISED ENFORCEMENT POLICY RESPECTING SOURCES COMPLYING WITH CLEAN AIR ACT REQUIREMENTS BY SHUTDOWN

PN 113-85-11-27-026

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 27 1985

OFFICE OF ENFORCEMENT
AND COMPLIANCE
MONITORING

MEMORANDUM

SUBJECT: Revised Enforcement Policy Respecting Sources Complying With Clean Air Act Requirements By Shutdown

FROM: Courtney M. Price
Assistant Administrator for Enforcement
and Compliance Monitoring

TO: Air and Waste Management Division Directors
Regions II, VI, VII, and VIII

Air Management Division Directors
Region I, III, V, and IX

Air, Pesticides, and Toxics Management
Division Directors
Regions IV and X

Regional Counsels
Regions I-X

Attached are two memoranda. The first is the final version of the revised/updated Clean Air Act enforcement policy respecting sources complying by shutdown. The second memorandum modifies the Agency's September 20, 1982 and January 12, 1983 enforcement policies for sources in non-attainment areas to be consistent with the terms of the new policy. Please note that the new policy becomes effective for cases referred after December 15, 1985.

Two drafts of the new policy were circulated for review during the last several months. I would like to express my appreciation for the extensive participation by Regional Offices in this policy development effort. Many valuable comments were received and the final version reflects them.

If you or your staff have any questions regarding the interpretation or application of the new policy, please contact Mr. William Repsher (FTS 382-2854) of my staff.

Attachments

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 27 1985

OFFICE OF ENFORCEMENT
AND COMPLIANCE
MONITORING

MEMORANDUM

SUBJECT: Enforcement Policy Respecting Sources Complying With Clean Air Act Requirements By Shutdown

FROM: Courtney M. Price
Assistant Administrator for Enforcement
and Compliance Monitoring

TO: Air and Waste Management Division Directors
Regions II, VI, VII, and VIII

Air Management Division Directors
Region I, III, V, and IX

Air, Pesticides, and Toxics Management
Division Directors
Regions IV and X

Regional Counsels
Regions I-X

Attached is a memorandum providing guidance for your use in addressing sources that intend to comply with Clean Air Act requirements by shutting down. The relationship of this policy statement to previous policy statements on the same subject is as follows.

On June 18, 1979, the Administrator established an enforcement policy under the Clean Air and Clean Water Acts respecting sources intending to come into compliance by shutting down. (See Administrator's Memorandum of June 18, 1979, "Limited Life Facilities--Policy Statement.") On September 20, 1982 and January 12, 1983, EPA affirmed that the "Limited Life Facilities" policy would apply beyond the end of 1982 under the Clean Air Act for noncomplying sources in primary nonattainment areas where attainment was to have been achieved by the end of 1982. (See the Administrator's Memorandum of September 20, 1982,

"Enforcement Action Against Stationary Air Sources Which Will Not Be In Compliance by December 31, 1982," and the January 12, 1983 Memorandum, "Guidance on Implementation of the 1982 Deadline Enforcement Policy Issued September 20, 1982," issued jointly by the Associate Administrator and General Counsel and the Assistant Administrator for Air, Noise and Radiation.)

For Clean Air Act sources, the present policy, "Clean Air Act Enforcement Policy Respecting Sources Complying By Shutdown," supersedes the enforcement policy issued by the Administrator on June 18, 1979 entitled "Limited Life Facilities-Policy Statement." A memorandum amending relevant portions of the September 20, 1982 and January 12, 1983 memoranda to make them consistent with today's policy statement is being issued along with this memorandum.

Attachment

ENFORCEMENT POLICY RESPECTING SOURCES COMPLYING WITH CLEAN AIR ACT REQUIREMENTS BY SHUTDOWN

NOTE: THE POLICIES ESTABLISHED IN THIS DOCUMENT ARE INTENDED SOLELY FOR THE GUIDANCE OF GOVERNMENT PERSONNEL AND ARE NOT INTENDED TO CREATE ANY RIGHTS, SUBSTANTIVE OR PROCEDURAL, ENFORCEABLE BY A PARTY IN LITIGATION WITH THE UNITED STATES. THE AGENCY RESERVES THE RIGHT TO ACT AT VARIANCE WITH THESE POLICIES AND TO CHANGE THEM AT ANY TIME WITHOUT PUBLIC NOTICE.

I. Applicability

This policy applies to all sources which are in violation of Clean Air Act SIP, NSPS, or NESHAP's requirements, where the owner intends to achieve compliance by shutting down the source rather than by installing controls.[1] The policy applies to sources in all air quality regions, regardless of attainment status.

II. Enforcement Policy For Sources Complying by Shutdown

Section 113 of the Clean Air Act authorizes EPA to seek injunctions against sources in violation of Clean Air Act requirements. When applying to the court for a compliance schedule or when negotiating one with a defendant, EPA has consistently interpreted the Act as requiring compliance as expeditiously as practicable.

In cases where the owner intends to achieve compliance by shutting down the source, the question arises as to what constitutes an expeditious compliance schedule. EPA believes that there are two fundamental types of shutdown situations, with a different treatment being appropriate for each.

A. NESHAP Sources, NSPS Sources, and SIP Sources Not Being Replaced

Where a source is violating NESHAP or NSPS requirements, or is violating SIP requirements and is not to be expeditiously replaced (as discussed below), EPA believes that the Clean

---

[1] As used herein, the phrase "install controls" includes: (1) the replacement, or upgrading, of inadequate previously-installed controls; and (2) process changes involving significant developmental costs. An example of the latter class of cases would be product reformulation in the case of VOC sources. Where developmental costs can be recouped at other sources owned by the source owner, Section II.B will not be applicable, however.

Air Act requires an expeditious shutdown of the violating source. Allowing sources violating NESHAP, NSPS, PSD or NSR requirements to operate more than a minimal amount of time without controls would subvert the environmental purposes behind the Act's requirements pertaining to such sources. Moreover, allowing such sources or any other SIP sources which will not be controlled more than a minimal period of uncontrolled operation would merely afford the owner an opportunity to maximize profits at the expense of the environment.

How expeditiously sources falling into the above categories must shut down is to be determined on a case-by-case basis. The most important factors to be considered are legal restraints on closing, such as union agreements and bankruptcy court orders. As necesary in appropriate cases, EPA should apply to the relevant legal authorities for removal of any such constraints. In NESHAPs cases or in any other cases involving a significant public health risk, violating sources must be shut down as quickly as possible.

For sources subject to this Subsection (II.A), the period within which expeditious shutdown must occur runs from the time at which it is determined that the owner intends to comply by shutdown. EPA should apply to the appropriate court for injunctive relief if an acceptable expeditious shutdown schedule cannot be speedily negotiated. Any negotiated schedule should be memorialized in a judicially enforceable consent agreement and lodged with the appropriate court.

B. Possible Extensions for Noncomplying SIP Sources Which Will Be Replaced

If the owner intends to replace a source violating a SIP requirement by transferring the production to some other facility in the same geographical area[2], and the replacement source is not yet constructed and/or operable, EPA may exercise its enforcement discretion to delay shutdown of the violating source until the replacement facility is constructed and operable. The factors that EPA will take into account in determining whether to exercise such discretion will include:

1. The attainment status of the air quality region in which the source is located, including whether the region's deadline for achieving the NAAQS has passed,

---

[2]If the replacement source were not located in the same area as the violating source, the benefits of the extended shutdown schedule would be reaped by some community other than the one carrying the environmental burden of the extended period of noncomplying operation.

2. The impact of the violating source's excess emissions on the air quality of the region,

3. The time elapsed since the source was required to have achieved compliance, and the efforts which the source owner has made to achieve compliance,

4. The impact on workers and the company of any disruption in production which might be occasioned by a shutdown prior to the replacement source's being operable, and

5. The owner's record of compliance with all environmental regulations at the affected facility, and at other facilities owned by the same owner.

6. Shutdown of the violating source need not consist of physically destroying or dismantling the source. However, in cases where the source owner does not wish to destroy or dismantle the source, a responsible official of the source owner must submit an affidavit specifying that the owner does not, at the time the affidavit is given, intend to resume operating the source within at least three years following shutdown.

The replacement facility need not be a one-for-one replication of the violating facility but it must involve some substantial construction necessary to permit the transfer of production to the replacement facility. The replacement facility need not emit the same pollutant as the violating source. The replacement facility may include a pre-existing source, provided some substantial construction is necessary to make the transfer of production feasible. Finally, for the purposes of this paragraph, the installation or upgrading of controls at the replacement facility may constitute construction provided the installation or upgrading is necessary for the replacement facility to achieve or maintain compliance after the production is transferred.

In cases where EPA decides to exercise its enforcement discretion to delay shutdown until the replacement of the violating source, the owner must enter into a judically enforceable consent decree providing as follows:

1. The consent decree must require shutdown of the violating source by a date certain. This date must be no later than the earliest date by which the replacement facility can be constructed and rendered operable on an

expeditious schedule, as measured from the time when it is determined that the owner of the source intends to achieve compliance by shutdown.

2. The decree must require the posting of a surety bond or equivalent mechanism providing for an automatic forfeiture in the event shutdown does not occur by the agreed-upon date. The bond should be in an amount representing the cost of installing adequate controls on the violating source.

3. Notwithstanding the provision of a bond, the decree must contain a clause reserving the government's right to seek other relief in the event the source fails to be timely shut down.

4. The decree must contain a stipulated penalty provision setting a daily penalty for any operation of the violating source beyond the shutdown date. The amount of this penalty should be sufficient to, at a minimum, recapture any economic benefit attributable to the noncomplying operation, above and beyond the capital cost of controls forfeitable pursuant to the bond required by Subparagraph 2 above.

5. The consent decree must provide that the violating source will be either demolished or dismantled, or that, upon any reactivation for a business reason arising after the shutdown, the source would constitute a new source under applicable federal regulations including, where applicable, new source review regulations.

6. All agreements regarding shutdown must be made binding on all successors-in-interest to the owner.

7. The consent decree must require a schedule of construction for the replacement facility with appropriate interim dates and stipulated penalties for any violations of the construction schedule.

8. The decree must require the owner to demonstrate and maintain compliance with all emission standards applicable to all emission points at the replacement facility which are associated with the transferred production. The compliance demonstration should, if feasible, occur prior to the transfer of production. An exception can be made in cases where a brief shakedown period is required, or where conditions prior to the transfer of production would not constitute representative operating conditions. The decree should provide that compliance shall be maintained at the replacement facility until

the termination of the decree, if that date occurs later than the date of the required compliance demonstration.

9. The decree should provide that the company shall comply with the terms and conditions of any state, local, or federal permits applicable to the sources associated with the transferred production at the replacement facility.

10. The decree must require implementation of appropriate interim measures at the violating facility to minimize the impact of continued noncomplying operation on the environment. If the violating source is uncontrolled, the decree must require implementation of whatever operation and maintenance practices are appropriate. If the source already has controls, the decree must at a minimum require the best practicable operation and maintenance of those controls until the time of shutdown.[3] In cases where an appropriate limit can be set, the decree must require compliance with interim emissions limits, as a tool for ensuring compliance with interim operation and maintenance procedures, and must provide for stipulated penalties for violations of such interim emission limits.

11. The decree must contain reporting requirements regarding such matters as increments of progress in compliance schedules, implementation of interim control measures, and compliance with interim emissions levels.

12. The decree must provide, in accordance with the applicable civil penalty policy, for the payment of a civil penalty respecting the violations at the violating source, and respecting any violations at the replacement source. The penalty must cover the period beginning at the date of the earliest provable violation to the date that compliance will be achieved. The end of this period for the violating source being closed down will be the date of shutdown. The end date with respect to any noncomplying replacement source is the date that a successful compliance demonstration is conducted.

13. The termination clause of the decree must provide that the jurisdiction of the court will continue until the later of the shutdown of the violating facility or the compliance demonstration at the replacement facility.

---

[3]There have been occasions when control equipment was available on a rental basis. In any such cases, use of the rental equipment should be required.

C. Avoiding Abuse of This Policy

Experience has shown that some source owners may seek to obtain shutdown schedules longer than otherwise allowed under this policy by delaying to acknowledge that shutdown is contemplated for a source which has become the subject of an enforcement action. In order to avoid such abuse of the shutdown policy, the following procedures should be employed:

1. At the time of EPA's initial contact with the source owner subsequent to issuance of an N.O.V., EPA should routinely advise the source owner of the policy respecting sources complying by shutdown.

2. If the owner acknowledges in a timely fashion that shutdown is a possibility for the source, but indicates that the shutdown decision has not been finalized, EPA may, in appropriate cases, exercise its discretion to afford the owner a brief period to complete any decision-making regarding whether the source will be shut down and, if so, whether it will be replaced within the meaning of Section II.B. The amount of time afforded should be the absolute minimum procedurally necessary for authorized officials of the source's owner to make the relevant decisions.

III. Effective Date

This policy applies to all cases referred to Headquarters or, in the case of direct referrals, to DOJ, subsequent to December 15, 1985.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 27 1985

OFFICE OF ENFORCEMENT
AND COMPLIANCE
MONITORING

MEMORANDUM

SUBJECT: Conforming Amendments To Previous Policy Statements Regarding Clean Air Act Sources Where Compliance Will Be Achieved By Shutdown

FROM: Courtney M. Price
Assistant Administrator for Enforcement
and Compliance Monitoring

TO: Air and Waste Management Division Directors
Regions II, VI, VII, and VIII

Air Management Division Directors
Region I, III, V, and IX

Air, Pesticides, and Toxics Management
Division Directors
Regions IV and X

Regional Counsels
Regions I-X

In a companion memorandum issued today, the Office of Enforcement and Compliance Monitoring has updated and revised EPA's Clean Air Act enforcement policy respecting sources where compliance will be achieved by by shutdown, rather than by installing controls. EPA's policy respecting such sources had originally been issued in July, 1979 and had most recently been treated in two memoranda:

-- Administrator's Memorandum of September 20, 1982, "Enforcement Action Against Stationary Air Sources Which Will Not Be In Compliance by December 31, 1982"

-- January 12, 1983 Memorandum, "Guidance on Implementation of the 1982 Deadline Enforcement Policy Issued September 20, 1982," (issued jointly by the Associate Administrator and General Counsel and the Assistant Administrator for Air, Noise and Radiation).

This memorandum amends the foregoing two documents to be consistent with the updated and revised policy issued today.

The revisions to the respective memoranda are as follows:

1. Revisions to September 20, 1982 Memorandum — Item 10 on page 4 of the Administrator's "Enforcement Action Against Stationary Air Sources Which Will Not Be in Compliance by December 31, 1982," is modified to read as follows:

> 10) Compliance schedules for sources where compliance will be achieved by shutdown are governed by the policy respecting such sources issued in the November 27, 1985 memorandum, "Enforcement Policy Respecting Sources Complying With Clean Air Act Requirements by Shutdown."

2. Revisions to January 12, 1983 Memorandum — Pages 1 and 2 of the January 12, 1983 Memorandum, "Guidance on Implementation of the 1982 Deadline Enforcement Policy Issued September 20, 1982", is modified to read as follows:

Requirements for Sources Intending to Comply by Shutdown

> The requirements for sources intending to comply by shutdown are governed by the policy respecting such sources issued in the November 27, 1985 Memorandum, "Enforcement Policy Respecting Sources Complying With Clean Air Act Requirements by Shutdown."

PN 113-85-10-30-025

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
AIR AND RADIATION

OCT 30 1985

MEMORANDUM

SUBJECT: Final Technical Guidance on the Review and Use of Coal Sampling and Analysis Data

FROM: Director
Stationary Source Compliance Division
Office of Air Quality Planning and Standards

TO: Air Management Division Directors
Regions I, III, V, and IX

Air and Waste Management Division Director
Region II

Air, Pesticides, and Toxics Management Division Directors
Regions IV and VI

Air and Toxics Division Directors
Regions VII, VIII, and X

I. INTRODUCTION

This memorandum transmits two documents: (A) final technical guidance on the acquisition, review and use of coal sampling and analysis (CSA) data from large coal-fired boilers where the monitoring data are used for targeting agency follow-up actions; and (B) an example of the calculations performed in accordance with item A. The guidance is not applicable when the CSA method is specified as the emission compliance, alternative emission compliance, or sulfur-in-fuel compliance test method. Furthermore, this guidance may be helpful to State and local agencies as well as EPA's Regional Offices.

NOTE: Attachments 1 and 2 are not included in the Policy and Guidance Notebook.

On April 5, 1985, and again on August 16, 1985, a draft of this guidance was distributed to the Regional Offices and interested Headquarters offices. Comments were received from six Regional offices and two Headquarters offices. In general, the comments were very supportive of the drafts, and included a number of constructive suggestions for improving the document.

II. SUMMARY AND CONCLUSIONS

The guidance presented in Attachment I supplements the October 5, 1984 source targeting document entitled "Technical Guidance on the Review and Use of Excess Emission Reports" (hereafter called the 1984 EER Guidance) by addressing those large coal-fired boilers which burn "compliance" coal but which are not currently required to operate SO_2 CEMS, nor to report SO_2 CEMS data. Taken together, the CSA and EER guidance packages equip agencies to review and use effectively quarterly SO_2 emission data, whether derived from SO_2 CEMS or CSA methodologies.

This guidance recommends that agencies periodically request source submittal of limited quantities of CSA information. Such information will generally be available to the sources as a result of their routine business practices. In the event such information is not currently available at a source, the source's cost of acquiring it should not be substantial.

Furthermore, the guidance strongly recommends that agencies use and follow-up the CSA information in a manner comparable to how it presently uses CEMS-derived excess emission reports (EERs).

The guidance contained in Attachment I provides forms, equations and examples of how to convert CSA data into SO_2 EERs. Attachment II presents actual calculations, discussion and action recommendations, based upon empirical CSA data, and is consistent with Attachment I.

III. MAJOR COMMENTS

A. Timing of Issuing the Subject Technical Guidance

Most of the commenters recommended that SSCD issue the subject guidance as soon as possible. One Regional commenter questioned the decision to issue it now, given that the Agency is contemplating possible revision of the current

NSPS Subpart D rules. A different Regional Office, one which is presently using a sophisticated enhancement of the CSA procedure described herein, recommended that we issue CSA guidance in two phases, the subject guidance now and a more sophisticated version later.

SSCD concluded that it is appropriate to issue the subject CSA guidance now, even though a possible CSA alternative compliance method (Reference Method 19-A) is contained in the current draft of the NSPS Subpart D revision. Issuing this technical guidance now is appropriate because:

1) the subject document is relevant to many non-NSPS, large coal-fired, non-FGD controlled boilers which do not monitor and report SO_2 CEMS data;

2) the possible Subpart D revision is not expected to become effective for at least one year;* and

3) implementation of this guidance is not expected to create a measurable additional burden upon the applicable sources.

Therefore, agencies will benefit from having a CSA review method immediately available to them.

Furthermore, SSCD agrees that it may be appropriate to develop and disseminate more sophisticated guidance on CSA. Therefore, after the subject guidance is issued, and experience with it has been gained, SSCD will evaluate the technical feasibility and advisability of issuing new, more sophisticated, CSA guidance or procedures. If a decision is made to develop additional CSA guidance, your input and assistance will be requested.

B. Quality of CSA Data

One commenter expressed concern about the logic of expending agency resources to acquire and use what they construed were "uncertain data" to target enforcement activities when sources are, or will in the near future (the Region presumed), be required to submit quality-assured SO_2 CEMS data.

---

*Note: If EPA promulgates a revision of Subpart D which specifies various types of continuous monitoring (including CSA) as compliance methods, this guidance would cease to be applicable to the SO_2 emissions from Subpart D sources.

This guidance addresses sources which are not required to obtain CEMS data, but currently do have CSA data of sufficient quality to warrant their use in targeting enforcement activities. Since this guidance does not address CEMS data, SSCD deemed it appropriate to issue this guidance at this time. It should also be recalled that while striving to obtain readily available, high quality data, the quality assurance requirements for data used in targeting do not have to be quite as stringent as when the data are used directly to enforce an emission regulation. Furthermore, experience shows that agencies which take the following steps generally receive CSA data which are fully suitable to target boilers:

- make the purpose of the agency's CSA data acquisition program known to the source;
- request a corporate official's signature on each CSA data submittal;
- conduct agency inspections and/or reviews of the source's CSA equipment; and
- demonstrate to the source that the agency is using its CSA data to target enforcement follow-up actions.

C. Relationship of the Subject Guidance to CEMS/EER Guidance

In 1984, SSCD issued the document entitled "Technical Guidance on the Review and Use of Excess Emission Reports." That document addressed EERs derived from SO_2 CEMS. However, it recognized the need to develop and issue supplemental guidance to address those large coal-fired boilers which currently are not required to use SO_2 CEMS. The guidance contained in Attachment I is specifically intended to supplement the 1984 EER Guidance. Taken together, the 1984 EER Guidance and this document provide agencies with the procedures to target all large coal-fired boilers based upon SO_2-related criteria.

The guidance provides specific forms and calculation methods to convert the source's coal sampling and analysis data into SO_2 EERs. Once such EERs are derived, it states that one should target and follow-up such data in a manner generally consistent with the procedures included in the 1984 EER Guidance.

D. Length and Complexity of the Guidance

Some of the commenters recommended that the final guidance should be simplified and streamlined in size. It became clear that this could be accomplished through the following two changes to the draft:

1) simplifying the calculation and technical details in accordance with the comments received; and

2) reorganizing and repackaging the guidance into two separate attachments.

IV. RESPONSES TO SSCD'S SPECIFIC CSA QUESTIONS

A. Agencies Should Obtain CSA Data from All "Compliance Coal" Subpart D Boilers

The commenters generally supported the idea that agencies should periodically obtain CSA data from every non-FGD-controlled (compliance coal) Subpart D boiler and other large boilers which are not presently using SO_2 CEMS, nor submitting SO_2 EERs.

Some Regional commenters stated that the preferred mechanism for obtaining quarterly CSA data is to request it by letter (e.g., §114), though other methods may be chosen by an agency.

With respect to which CSA data to obtain each quarter, the consensus was that, in general, it is important to obtain the summarized results of "as-fired" or "as-bunkered" CSA data derived from sampling the coal which is (or will be) combusted during each twenty-four hour period. Twenty-four hour CSA data are currently available from most modern boilers, and this period is consistent with those contained in the Agency's Proposed CSA Reference Method 19-A.

B. Agencies Should Take Into Account Data Uncertainties

Comments on this issue generally fell into four widely different viewpoints. These included: (1) do not use data which has an uncertain quality; (2) assume that the data values are high; (3) assume that data values are low; and (4) assume that the data are generally representative of the real level. SSCD recognizes that in a normal situation, there are likely to be as many causes for the CSA data to be high as there are for them to be low. Therefore, solely for the

purpose of targeting, if the source takes reasonable care in its CSA program, twenty-four hour CSA data are assumed to represent adequately the actual average (three to twenty-four hour) SO_2 emission potential of the coal combusted.

C. Preparation of CSA-derived EERs

The sentiment among the commenters was in favor of requesting the sources to submit CSA-derived EERs to the agencies on a quarterly basis, rather than having the agencies prepare the EERs in-house from "raw" source-submitted, daily data. The experience to date is that sources generally respond in the affirmative when requested to convert their CSA data into SO_2 excess emission reports. Furthermore, if the agency chooses to prepare EERs, it would require two submittals (or more) per quarter of data from the source. First it would receive "raw CSA data." Second, for every excess emission identified by the agency, the agency would require source submittal of concomitant process data. Therefore, the guidance strongly recommends that agencies request source submittal of its EERs.

D. Negative Reaction to Using "As-Received" CSA Data

The consensus opinion on the subject of agency use of as-received CSA data was opposed to generally accepting and using such data. The primary reasons for this position are:

(1) there are usually no practical and simple ways to predict which day's SO_2 emissions a specific coal sample and its concomitant results represent;

(2) allowing a source to rely upon its own as-fired or as-bunkered CSA data (in lieu of SO_2 CEMS) was seen by some commenters as providing a sufficient selection of alternatives to the source; and

(3) many sources' as-received CSA hardware and test procedures do not meet the minimum acceptable criteria specified in the guidance and by ASTM.

Therefore, the consensus was that it would be inappropriate to "generally" accept as-received CSA data.

However, the commenters recognized that there might be some instances where reliance on as-received data would be appropriate. Therefore, the guidance accommodates, on a case-by-case basis (e.g., the sampling is consistent with

a twenty-four burn's "lot size," the emission rate is calculated to be far below the allowable rate, the coal is received from a single mine), agency evaluation of as-received data. Further, the guidance specifies that before accepting such data, the agency should be as confident about the resulting SO_2 EER as it would have been if it had relied upon either as-fired or as-bunkered data.

E. Targeting Criteria

The consensus of the commenters on this subject was that agencies should use targeting criteria for CSA-derived EERs which are comparable, if not slightly tighter, than those it uses for CEMS-derived EER results. The fact that a source uses a different SO_2 monitoring method should not measurably affect the agency's criteria. Therefore, with only the few modifications noted in Attachment I, the criteria included in the 1984 EER Guidance are appropriate when CSA data are used.

In summary, the comments received on the draft guidance urged that final CSA guidance be issued as soon as possible, incorporating relatively few major changes to the draft. SSCD intends to continue to support the program by issuing supplementary information and program guidance as necessary.

Since this guidance supplements and is conceptually and programmatically quite similar to the previous EER guidance, the following are true of the CSA guidance:

- it is issued as "technical guidance" rather than as "program guidance" in that it supports, but does not mandate, a review program;
- it is equally as important as CEMS targeting activities and, therefore, both should be implemented concurrently;
- there is a need for a limited period of source submittal of CSA-derived EERs to both State and Federal agencies, as in the case of the CEMS-derived EER data; and
- it is not applicable to any situation where CSA data are specified as the compliance method.

If your staff desires to distribute the attached guidance to Regional, State or industry personnel, additional copies may be requested from Louis Paley of this office. Requests should be sent to him at US EPA, SSCD (EN-341), 401 M Street, S.W., Washington, D.C. 20460, or by telephone at (202) 382-2835.

Edward E. Reich

Attachments I and II

cc: Jerry Emison, Director, OAQPS
Jack Farmer, Director, ESED
Darryl Tyler, Director, CPDD
Earl Salo, OGC
Michael Alushin, OECM
James Kilgroe, IERL
Daryl von Lehmden, EMSL/RTP
Kenneth Knapp, ESRL
Tom Gallagher, NEIC
Air Branch Chiefs, Regions I-X
Air Compliance Branch Chiefs, Region II, III, IV, V, VI, IX
Directors, Environmental Services Division, Regions I-X

PN 113-10-30-024

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 28 1985

OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: Particulate Matter Interim Enforcement Policy

FROM: Charles L. Elkins
Acting Assistant Administrator
for Air and Radiation

TO: Air and Waste Management Division Directors
Regions II and VI

Air Management Division Directors
Regions I, III, V, and IX

Air, Pesticides, and Toxics Management Division Director
Region IV

Air and Toxics Division Directors
Regions VII, VIII, and X

I recently had the opportunity to review with OAQPS staff the status of the PM_{10} rulemaking action. In that context, we discussed the interim enforcement policy as articulated in the April 2, 1985 Federal Register at page 13139, a copy of which is attached. That policy is clear and straightforward. It states that as a matter of both law and equity, existing TSP-based emissions limitations remain fully enforceable and should be vigorously enforced. I understand that the program is proceeding on this basis and I want to assure you of my full support for this policy.

Attachment

NOTE: The Federal Register notice referred to above is not included in the Policy and Guidance Notebook.

PN 113-85-04-24-023

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 24 1985

OFFICE
AIR AND RADIATION

MEMORANDUM

SUBJECT: Achieving VOC Compliance from Department of Defense Contractor Facilities

FROM: Director
Stationary Source Compliance Division
Office of Air Quality Planning and Standards

TO: Air and Waste Management Division Directors
Regions II and VI

Air Management Division Directors
Regions I, III, V, and IX

Air, Pesticides, and Toxics Management Division Director
Region IV

Air and Toxics Division Directors
Regions VII, VIII, and X

This memorandum is to inform you of the results of a recent meeting between my staff, OECM's Air Enforcement Division, EPA's Office of Federal Activities and the Environmental Policy Directorate, Department of Defense. The meeting was held in response to questions from several Regions about enforcing VOC emission limitations at stationary sources producing goods or services under contract with the Department of Defense (DOD). The questions centered on the issue of responsibility, and DOD's position concerning the accountability of its contractors for compliance with VOC regulations in a SIP. We also wanted to elucidate DOD's role and responsibility as a Federal agency for compliance with applicable environmental requirements.

A number of interesting clarifications were disclosed at this meeting. These warrant discussion because they play a vital role in the position we will recommend in dealing with air violations at facilities which have contracts with DOD. First, in order to better understand DOD and contractor relationships, certain terminology needs to be defined.

There are at least three different types of DOD facilities subject to environmental requirements:

° Government Owned Government Operated (GOGO) facilities.
° Government Owned Contractor Operated (GOCO) facilities.
° Contractor Owned Contractor Operated (COCO) facilities.

The GOGO facility is the traditional Federal facility such as an air force base where the government owns and operates all the regulated activity. The GOCO facility is one that is owned by DOD but all or portions of it are operated by private contractor(s). The COCO facility is a non-government owned, privately operated facility that provides goods or services to DOD under contract. Many thousands of sources fall into the COCO category since DOD estimates they do "business" with a majority of the manufacturing facilities in the country.

Given these terms, I believe it has been the contractors operating government owned facilities (GOCO) that have raised with States and Regions pleas of alleged immunity based on contracts with DOD. It is these facilities that are the focus of this memorandum. Attachment I is a nonexclusive list of Air Force and Navy GOCO facilities of potential concern. It was supplied by the Office of Federal Activities. A similar list of Army GOCO facilities will be forwarded under separate cover.

The main findings of our meeting are:

° The standard contract DOD has with contractors includes a clause requiring compliance with "all environmental laws" or language to that effect. This negates the so-called immunity these sources claim they have. Regions and States should seek out this contract language should the need warrant.

° Responsibility for compliance with environmental requirements lies with the contractor and the regulatory agencies. DOD does not actively seek to find violations of the "environmental law" language in their contracts, even though all GOCO facilities have a DOD representative on site. This individual would become involved and actively seek to resolve any environmental problem once brought to his or her attention.

° DOD closely monitors activity to resolve environmental problems once a formal Federal or State action (such as a NOV) is initiated. This involvement by DOD has been mostly focused on violations at GOGO facilities. In the future, DOD will monitor formal actions initiated by EPA or the State at GOCO facilities.

- DOD and OFA, through their Headquarters staff or Regional Federal Facility Coordinators (See Attachment II), are available to assist EPA in any problems it faces in resolving environmental problems at DOD facilities, including those operated by contractors. A good rule of thumb is that DOD will support the regulatory agency when a violation is clearly documented and a formal action is initiated.

As a result of this meeting, SSCD recommends a Region or State, upon a finding of violation at a DOD contractor facility (GOCO), issue a Notice of Violation (or equivalent) to the operator of the facility as would be done with any other stationary source, with copies to the DOD representative at the facility, and the Regional Federal Facility Coordinator. Receipt of these copies should trigger interest and involvement by OFA and DOD to assist in resolving the violation in a timely manner. Simultaneous with any DOD and OFA involvement, the issuing regulatory agency should follow up with the operator to whom the NOV was issued in the usual manner to resolve the noncompliance problem.

This memorandum has been concurred in by the Office of Federal Activities and OECM's Air Enforcement Division. If you have any questions about the meeting or the recommended approach, please call me or John Rasnic (FTS-382-2826).

Edward E. Reich

cc: Air Program Branch Chiefs
Regions I-X

Air Compliance Branch Chiefs
Regions II, III, V and IX

VOC Compliance Workgroup Members

Michael Alushin,
Associate Enforcement Counsel for Air

Gerald Emison, Director
Office of Air Quality Planning and Standards

Allan Hirsch, Director
Office of Federal Activities

Federal Facility Coordinators
Regions I-X

Attachment I-1

AIR FORCE INDUSTRIAL FACILITIES

	Air Force Plant	Contractor	Major Workload
1.	AFP PJKS Waterton, CO	Martin Marietta	Titan components, electronic systems, space hardware
2.	AFP #3 Tulsa, OK	McDonnell Douglas & Rockwell	F-15 components, F-4 DLM
3.	AFP #4 Ft. Worth, TX	General Dynamics	F-16 aircraft production, F-111 spares
4.	AFP #6 Marietta, GA	Lockheed	C-130, C-141 and C-5 spares, C-141 stretch, C-5 wing mod, Jet Star
5.	AFP #19 San Diego, CA	General Dynamics	F-111 spares, space systems components, Navy electronics
*6.	AFP #36 Evendale, OH	General Electric	J-79, and TF-39 engines and spares
*7.	AFP #38 Porter, NY	Bell Aerospace	Laser R&D and production, hydrazine systems, Minuteman components
8.	AFP #42 Palmdale, CA	Rockwell, Lockheed, Northrop, McDonnell Douglas	Space shuttle, B-1, F-5 and A-4 assembly, mod & operations, flight test operations
9.	AFP #44 Tucson, AZ	Hughes Aircraft	Maverick, Phoenix, Tow and Roland missile production, other missile R&D
10.	AFP #59 Johnson City, NY	General Electric	Flight controls & other avionics
*11.	AFP #70 Sacramento, CA	Aerojet	Titan, Minuteman III, Peacekeeper
12.	AFP #78 Lampo Junction, UT	Thiokol	Minuteman, (Trident), Genie, SRAM Rocket Motor Production Peacekeeper
13.	AFP #85 Columbus, OH	Rockwell International	B-1B

*Sale is pending.

Pamela Duncan, HQ USAF/RDCM, 697-1715, 27 Mar 85

Attachment I-2

NAVY

List of Industrial Plants

by DOD Number

Plant and Location	DOD#	Type	Status
Naval Shipyard, Long Beach, CA	31	GOGO	Active
Naval Shipyard, Hunters Point, San Francisco, CA	48	GOCO	Leased
Naval Shipyard, Mare Island, Vallejo, CA	52	GOGO	Active
Naval Weapons Station, Concord, CA	53	GOGO	Active
Naval Weapons Support Center, Crane, IN	105	GOGO	Active
Naval Avionics Center, Indianapolis, IN	112	GOGO	Active
Naval Ordnance Station, Louisville, KY	133	GOGO	Active
Naval Ordnance Station, Indian Head, MD	155	GOGO	Active
Naval Industrial Reserve Ordnance Plant, Pittsfield, MA	167	GOCO	Active
Naval Industrial Reserve Ordnance Plant, Minneapolis, MN	194	JOCO	Activ
Naval Industrial Reserve Ordnance Plant, Saint Paul, MN	196	GOCO	Activ
Naval Shipyard, Portsmouth, NH	218	GOGO	Activ
Naval Industrial Reserve Ordnance Plant, Rochester, NY	265	GOCO	Activ
Naval Industrial Reserve Ordnance Plant, Magna, UT	316	GOCO	Activ
Naval Shipyard, Philadelphia, PA	371	GOGO	Activ
Naval Shipyard, Charleston, SC	378	GOGO	Activ
Naval Weapons Industrial Reserve Plant, Dallas, TX	387	GOCO	Activ
Naval Weapons Industrial Reserve Plant, McGregor, TX	399	GOCO	Activ
Naval Shipyard, Norfolk, Portsmouth, VA	409	GOGO	Activ
Naval Weapons Station, Yorktown, VA	412	GOGO	Activ
Naval Shipyard, Puget Sound, Bremerton, WA	413	GOGO	Activ
Naval Undersea Warfare Engineering Station, Keyport, WA	415	GOGO	Activ
Naval Industrial Reserve Ordnance Plant, Pomona, CA	451	GOCO	Activ
Naval Weapons Industrial Reserve Plant, Bloomfield, CT	463	GOCO	Activ
Naval Weapons Industrial Reserve Plant, Bethpage, NY	464	GOCO	Activ
Naval Weapons Industrial Reserve Plant, Calverton, NY	466	GOCO	Activ
Naval Industrial Reserve Ordnance Plant, Sacramento, CA	467	JOCO	Activ

27

List of Industrial Plants
by DoD Number (Cont.)

Plant and Location	DOD#	Type	Statu
Naval Weapons Industrial Reserve Plant, Bedford, MA	468	GOCO	Activ
Naval Weapons Industrial Reserve Plant, Bristol, TN	469	GOCO	Activ
Naval Industrial Reserve Ordnance Plant, Sunnyvale, CA	484	JOCO	Activ
Naval Weapons Station, Earle, NJ	486	GOGO	Activ
Drydock and Repair Facility, San Juan, PR	493	GOCO	Lease
Naval Air Rework Facility, Alameda, CA	494	GOGO	Activ
Naval Air Rework Facility, Jacksonville, FL	495	GOGO	Activ
Naval Air Rework Facility, Norfolk, VA	496	GOGO	Activ
Naval Air Rework Facility, Pensacola, FL	497	GOGO	Activ
Naval Shipyard, Pearl Harbor, HI	498	GOGO	Activ
Naval Air Rework Facility, Cherry Point, NC	499	GOGO	Activ
Naval AIR Rework Facility, North Island, San Diego, CA	501	GOGO	Activ
Naval Ship Repair Facility, San Diego, CA	503	GOCO	Lease
Naval Weapons Station, Charleston, SC	505	GOGO	Activ
Naval Weapons Station, Seal Beach, CA	507	GOGO	Activ
Naval Industrial Reserve Ordnance Plant, Cumberland, MD	526	GOCO	Activ
Naval Weapons Industrial Reserve Plant, South Bristol, ME	529	GOCO	Inact
Naval Weapons Industrial Reserve Plant, Toledo, OH	AF27	GOCO	Acti

EXHIBIT IV-2

REGIONAL FEDERAL FACILITIES COORDINATORS

REGION I

George Mollineau
FTS 223-5498

REGION II

Drew Lahman
FTS 264-8678

REGION III

Fran Mulhern
FTS 597-1168

REGION IV

Art Linton
FTS 257-3776

REGION V

Bill Franz
FTS 353-2038

REGION VI

Jim Highland
FTS 729-6659

REGION VII

Glen Yeager
FTS 757-2823

REGION VIII

Elmer Chenault
FTS 564-3853

REGION IX

Mike Monroe
FTS 454-7539

REGION X

Clark Smith
FTS 399-1266

PN 113-84-12-20-022

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 20 [illegible]

OFFICE OF
AIR AND RADIATION

SUBJECT: Policy on No-Action Assurances

FROM: John B. Rasnic, Chief
Compliance Monitoring Branch
Stationary Source Compliance Division

TO: Air Program Branch Chiefs
Regions I-X

Air Compliance Branch Chiefs
Regions II, III, V, VII, IX

On August 28, 1984, I forwarded a memorandum to you that transmitted the proposed policy on No-Action Assurances and included correspondence between SSCD and OLEC on SSCD's concern with the policy.

Attached is the final policy on this subject. I am forwarding it for your information and implementation. You are still encouraged to use the NOV language written by OLEC and included in my August 28 memorandum.

If you have any questions on the policy, please call me (8-382-2826).

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 16 1984

OFFICE OF
ENFORCEMENT AND
COMPLIANCE MONITORING

MEMORANDUM

SUBJECT: Policy Against "No Action" Assurances

FROM: Courtney M. Price
Assistant Administrator for Enforcement
and Compliance Monitoring

TO: Assistant Administrators
Regional Administrators
General Counsel
Inspector General

This memorandum reaffirms EPA policy against giving definitive assurances (written or oral) outside the context of a formal enforcement proceeding that EPA will not proceed with an enforcement response for a specific individual violation of an environmental protection statute, regulation, or other legal requirement.

"No action" promises may erode the credibility of EPA's enforcement program by creating real or perceived inequities in the Agency's treatment of the regulated community. This credibility is vital as a continuing incentive for regulated parties to comply with environmental protection requirements.

In addition, any commitment not to enforce a legal requirement against a particular regulated party may severely hamper later enforcement efforts against that party, who may claim good-faith reliance on that assurance, or against other parties who claim to be similarly situated.

This policy against definitive no action promises to parties outside the Agency applies in all contexts, including assurances requested:

- both prior to and after a violation has been committed;
- on the basis that a State or local government is responding to the violation;

- on the basis that revisions to the underlying legal requirement are being considered;
- on the basis that the Agency has determined that the party is not liable or has a valid defense;
- on the basis that the violation already has been corrected (or that a party has promised that it will correct the violation); or
- on the basis that the violation is not of sufficient priority to merit Agency action.

The Agency particularly must avoid no action promises relating either to violations of judicial orders, for which a court has independent enforcement authority, or to potential criminal violations, for which prosecutorial discretion rests with the United States Attorney General.

As a general rule, exceptions to this policy are warranted only

- where expressly provided by applicable statute or regulation (e.g., certain upset or bypass situations)
- in extremely unusual cases in which a no action assurance is clearly neccessary to serve the public interest (e.g., to allow action to avoid extreme risks to public health or safety, or to obtain important information for research purposes) and which no other mechanism can address adequately.

Of course, any exceptions which EPA grants must be in an area in which EPA has discretion not to act under applicable law.

This policy in no way is intended to constrain the way in which EPA discusses and coordinates enforcement plans with state or local enforcement authorities consistent with normal working relationships. To the extent that a statement of EPA's enforcement intent is necessary to help support or conclude an effective state enforcement effort, EPA can employ language such as the following:

"EPA encourages State action to resolve violations of the _____ Act and supports the actions which (State) is taking to address the violations at issue. To the extent that the State action does not satisfactorily resolve the violations, EPA may pursue its own enforcement action."

I am requesting that any definitive written or oral no action commitment receive the advance concurrence of my office. This was a difficult decision to reach in light of the valid concerns raised in comments on this policy statement; nevertheless, we concluded that Headquarters concurrence is important because the precedential implications of providing no action commitments can extend beyond a single Region. We will attempt to consult with the relevant program office and respond to any formal request for concurrence within 10 working days from the date we receive the request. Naturally, emergency situations can be handled orally on an expedited basis.

All instances in which an EPA official gives a no action promise must be documented in the appropriate case file. The documentation must include an explanation of the reasons justifying the no action assurance.

Finally, this policy against no action assurances does not preclude EPA from fully discussing internally the prosecutorial merit of individual cases or from exercising the discretion it has under applicable law to decide when and how to respond or not respond to a given violation, based on the Agency's normal enforcement priorities.

cc: Associate Enforcement Counsels
OECM Office Directors
Program Compliance Office Directors
Regional Enforcement Contacts

PN 113-84-10-05-021

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 5 1984

OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: Final Technical Guidance on the Review and Use of Excess Emission Reports

FROM: Director
Stationary Source Compliance Division
Office of Air Quality Planning and Standards

TO: Directors, Air and Waste Management Division
Regions II, IV, VI-VIII, and X

Directors, Air Management Division
Regions I, III, V, and IX

This memorandum presents final technical guidance on the review and use of Excess Emission Reports (EERs) being submitted by NSPS Subpart D sources and others where the monitoring data are not used directly to determine compliance with the emission limits. This guidance is in direct support of the Agency's Continuous Compliance Strategy and SPMS items A/ER-8 thru 10 for FY 1985. The guidance may be helpful to State/local agencies as well and may be forwarded at the discretion of each Region.

On August 3, 1984, a draft of this guidance was distributed to the Regional Offices and interested Headquarters Offices. Comments were received from six Regional Offices, three Headquarters offices, and the State of Wisconsin. In general, these comments were very supportive of the draft, included a number of detailed suggestions for improvement, and encouraged the expeditious issuance of final guidance. We recognize that the FY 1985 continuous emission monitoring system (CEMS) program is a major initiative for many of the Regions and is based to a large extent on the availability of this guidance. Therefore, we have judged it appropriate to issue the guidance now and to supplement the guidance as appropriate in an EER "Users Handbook" during FY 1985.

A discussion of the major areas of comment and the responses received to the questions posed in the August 3rd memorandum is presented in the following sections.

I. MAJOR COMMENTS

A. Form of Guidance/Regional Office Responsibilities

The subject document is intentionally being issued as "technical guidance" rather than as "program guidance", providing a great deal of detailed information, forms, and example decision criteria adaptable to a wide range of circumstances. We recognize that since the CEMS program is a relatively new program for most Regional Offices, program-related issues will also arise. Such issues are outside the scope of this guidance and will be addressed separately.

B. Importance of EER Review and Use

Based upon the experience of some Regional Offices, particularly Region V's, SSCD revised the text of the draft to emphasize the three primary EER activities of: (1) inventory development; (2) assessment of source compliance with the CEMS installation and operation requirements; and (3) review and use of EERs. This doesn't mean that other elements of the program to acquire valid, representative data are unimportant. It's just that such activities (e.g., performance specification testing) are solely the responsibility of the source, not the Agency. By the Agency primarily concentrating its CEMS program resources on EERs review and follow-up, most sources will find that it is in their own best interest to achieve all of the CEMS requirements, and to verify the quality of their data before submitting it to the Agency.

II. RESPONSES TO SSCD's EER QUESTIONS

A. Dual Reporting of EERs to State and Federal Agencies

In general, commenters supported the need for a limited period of dual reporting. They stressed that EPA should initially obtain and (at least) spot-check duplicate copies of EERs from sources in States which have received NSPS delegation in order to conduct effective oversight audits of the State's enforcement of the CEMS regulations. Furthermore, they strongly supported the concept of reducing the quantity of dual reporting and the level of oversight audits once the State had demonstrated its ability to implement the program. Subsequent oversight could be achieved by receiving and reviewing a small, random fraction of a State's EERs or by receiving summary reports from the State. (Regional Offices and their States are free to establish any mutually-acceptable arrangement consistent with assuring, at a minimum, accomplishment of the FY 1985 SPMS requirements.)

B. Source Submission of Summaries of Their Excess Emissions

Commenters strongly supported the concept of requiring the sources to include summaries of their excess emissions in their quarterly EERs. They also supported the idea of specifying a standard format, content, and reason codes for the summaries as well as the traditional EER data in order to minimize the burden upon agencies and sources. The commenters also strongly supported our recommendations that: (1) all CEMS-affected sources should initially submit both the summaries and the traditional EERs; and (2) once a source demonstrated its commitment and capability to implement a high quality CEMS program, their reporting burden might be reduced to submission of only the summary data portion of the EER report.

The comments included a wide range of recommendations on how the Agency should proceed to obtain source submission of the summary data from the sources. These included: (1) use of §114 letters on a case-by-case basis or in a national promulgation; (2) a regulatory revision; and (3) simply thorough implementation of this guidance.

SSCD intends to work with ESED and other parts of the Agency to develop a consensus on which changes should be made to the reporting requirements and how to proceed most effectively. Careful consideration of the requirements of the Paperwork Reduction Act is an essential element of this review.

C. Applicability of Guidance to Subpart Da Sources

Most respondents to our question on this subject indicated that, based on their limited experience, they thought that the proposed guidance would assist them in reviewing CEMS compliance reports from Subpart Da and other sources where the monitor provides compliance data. A few commenters volunteered their assistance and recommended that the Agency obtain some additonal experience before it attempts to develop a guideline on this subject. One Regional Office with considerable CEMS program experience stated that, "We do not think the discretionary, probabilistic, comparative philosophy of this screening strategy is appropriate for sources subject to clear requirements for self-documenting their continuous compliance status". We agree with this statement and with the need to obtain additional experience before guidance is developed. Accordingly, the draft guidance was not changed with respect to its inapplicability to Subpart Da or other sources where the CEMS is the compliance method.

In summary, the comments received on the draft guidance urged that final guidance be issued as soon as possible, incorporating relatively few major changes to the draft. SSCD intends to

continue to support the program by issuing supplementary information and program guidance. Furthermore, SSCD plans to work with other elements of the Agency to try to address the remaining issues such as revision of the EER reporting requirements and possible applications of CEMS as the compliance method on additional source categories.

Edward E. Reich

Attachment

cc: J. Farmer, Director, ESED
D. Tyler, Director, CPDD
E. Salo, OGC
M. Alushin, OECM
Air Branch Chiefs, Regions I-X
Air Compliance Branch Chiefs, Regions II, III, V, VII, IX
Directors, Environmental Services Division, Regions I-X

PN 113-83-04-26-020

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

26 APR 1983

OFFICE OF
AIR, NOISE AND RADIATION

MEMORANDUM

SUBJECT: Procedures for Review and Federal Register Publication of Delayed Compliance Orders Under Section 113(d) of the Clean Air Act

FROM: Kathleen M. Bennett, Assistant Administrator for Air, Noise and Radiation

Courtney M. Price
Acting Associate Administrator and General Counsel

TO: Regional Administrators, Regions I-X

Regional Counsels, Regions I-X

Uncertainty exists with respect to who in the Regional Offices and at Headquarters must review and concur in delayed compliance orders (DCOs), both those issued by EPA and those issued by the States. Questions have also arisen on what must be contained in a DCO rulemaking package, the appropriate number of copies, and to whom they should be mailed at Headquarters. To resolve these uncertainties, this memorandum establishes procedures to be followed by all Regional Offices when reviewing DCOs and submitting them to Headquarters for Federal Register publication.

Proposed DCOs

DCOs proposed to be issued by EPA under Section 113(d)(1) of the Clean Air Act do not require Headquarters concurrence (Attachment 1). The proposed DCO rulemaking package should be sent directly from the EPA Regional Office to the Federal Register Officer at Headquarters (PM-223) for printing in the Federal Register. The March 10, 1978 memorandum (Attachment 2) describes the requirements for proposal regarding the number of copies, certifications, and content. The only additional requirement is to include a completed printing request form #2340-15 with the package. (Also included as Attachment 3 is a July 27, 1978 memorandum on substantive requirements of DCO's that remains generally applicable).

Similarly, all DCOs issued by States to major stationary sources under Section 113(d)(1) should be reviewed, as required by Section 113(d)(2), by Regional Air Program Divisions and Regional Counsel's Offices to assure that these orders meet the statutory requirements under the Clean Air Act. If a Regional Office wishes to approve a State-issued Section 113(d)(1) DCO, Headquarters concurrence in the proposal is not required. If the Region is recommending disapproval, the advice of the Associate General Counsel for Air, Noise and Radiation should be sought. As with EPA-issued DCOs, the DCO rulemaking package should be sent directly from the EPA Regional Office to the Federal Register Officer at Headquarters for printing.

As discussed in Kathleen Bennett's memorandum of July 20, 1982 to all Regional Air Directors, all proposed innovative technology DCOs under Section 113(d)(4) and coal conversion orders under Section 113(d)(5) remain subject to Stationary Source Compliance Division (SSCD) review for national consistency prior to publication. These orders should be sent to the Director, SSCD (EN-341). SSCD will transmit the approved DCO packages to the Federal Register Officer for publication.

Final DCOs

The review of final DCOs will follow the same pattern as that followed for proposed DCOs. Since they require the Administrator's signature, the Federal Register Officer will be responsible for forwarding the package to the Administrator's Office. Once signed, the Administrator's Office will transmit the package back to the Federal Register Officer to assure publication. For those DCOs that require Headquarters office concurrence, the reviewing office will be responsible for working with the Federal Register Officer to obtain the Administrator's signature.

Questions of National Significance

This memorandum describes the general mechanism for processing DCOs. It does not alter the responsibility of Regional Offices to identify significant policy or legal issues posed by any DCO and to seek the advice of SSCD or the Associate General Counsel for Air, Noise and Radiation with respect to such issues. In cases of doubt as to whether a DCO poses such an issue, the views of these offices should be sought.

Should you have any questions on this memorandum, please call Ed Reich at 382-2807.

Attachments

cc: Air and Waste Management Division Directors
Regions II-IV, VI-VIII and X

Air Management Division Directors
Regional I, V, and IX

NOTE: (Attachment 1) memo dated August 7, 1978 from Ed Reich to Regional Enforcement Directors and (Attachment 2) memo dated March 10, 1978 from Richard Wilson to Regional Enforcement Directors not included since they are basically procedural. (Attachment 3) not included since it is already in Notebook (PN113-78-07-25-005).

COPY

April 12, 1983

Mr. Robert R. Wahler, President
WAHLCO, Inc.
3600 West Segerstrom Avenue
Santa Ana, California 92704

Dear Mr. Wahler:

Your letter of February 22, 1983 to the Administrator of the Environmental Protection Agency has been referred to me for a response. In your letter you requested that EPA review its policy of March 1980, entitled "Enforcement Policy on Interim Particulate Controls." This policy discusses the use of flue gas conditioning (FGC) as one means for short term reduction of particulate emissions from non-complying coal burning power plants and industrial boilers. You have requested that the last paragraph at the bottom of page 4 of the policy statement be deleted becuase it is confusing and has been interpreted by many potential users of FGC as a prohibition against voluntary use of FGC for compliance with emission regulations.

I was surprised to learn that there remains any confusion concerning the intent of this policy. As you know, the agency did receive a number of inquiries concerning voluntary use of flue gas conditioning from FGC vendors (including WAHLCO representatives) and industry in the first year after the policy was distributed. We outlined our position that the policy in no way precluded use of FGC as a permanent control method but that we could not endorse, as a policy matter, use of FGC except where the conditioning agents have been shown to be nontoxic. We have not been contacted about this matter in recent years.

Let me emphasize the policy has application under very limited circumstances. It applies where a source is out of compliance and there is the potential for use of FGC to provide significant particulate reductions during the period prior to that source installing permanent controls. The policy was intended to encourage greater consideration of FGC as a required interim control in administrative or court orders. However, even in this context, a careful analysis of the possibility of increased acid sulfate emissions and of possible toxic emissions was recommended. As the guidance indicates, when a coal fired power plant or industrial boiler is ordered to comply with particulate emissions, FGC should be considered as a means of interim control provided a number of conditions are met:

1. conditioning is likely to be effective

2. acid sulfate emissions will not increase significantly

3. an approved conditioning agent is used

4. the interim period has a reasonable duration

5. the costs are reasonable

6. the precipitator is in good repair.

These conditions form the basis for assuring a net environmental benefit will result from the use of FGC on an interim basis.

The policy does not constrain sources from voluntarily using FGC as a permanent control but merely makes clear that EPA does not endorse FGC use without a case by case analysis of the particular conditioning agent to be used. We continue to believe this is the prudent course of action.

Should any parties that you are in contact with have difficulty understanding the FGC guidance, please feel free to refer them to my staff for further explanation. Please contact Mark S. Siegler at 202-382-2835 if further explanation or assistance is needed.

Sincerely yours,

Kathleen M. Bennett
Assistant Administrator
for Air, Noise and Radiation

bcc: Ed Reich
John Busik
Mark Siegler
Mark Antell
Mike Alushin, OLEC
George Rey, ORD

PN 113-83-01-12-018

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

12 JAN 1983

MEMORANDUM

SUBJECT: Guidance on Implementation of the 1982 Deadline Enforcement Policy Issued September 20, 1982

FROM: Robert M. Perry
Associate Administrator
and General Counsel

Kathleen M. Bennett
Assistant Administrator for Air, Noise and Radiation

TO: Regional Administrators
Regions I-X

Regional Counsels
Regions I-X

This memorandum provides supplemental guidance on the interpretation and application of the enforcement policy sent by the Administrator to the Regional Administrators on September 20, 1982. That policy established criteria for determining the type of relief the Agency should seek in taking enforcement action against sources in primary non-attainment areas which will not be in compliance by December 31, 1982. Regional staff have asked us to clarify certain elements of the policy to assure consistency in its implementation.

Requirements for Limited Life Facilities

The policy indicates on page 4 that if a company intends to comply by shutdown, then the source must be closed by December 31, 1982, as required by the Limited Life Facilities Policy. This statement applies only if the company is not building a replacement facility. If the company is replacing the existing unit and commits to commencing and completing construction of the new facility as expeditiously as practicable, then the company may continue to operate the old unit until the scheduled date for starting operation of the new unit, provided the other criteria in the September 20 policy are satisfied. In implementing this approach the Region will need to consider the effect of any sanctions which may be in place in the area. The schedule for shutting down the existing unit generally should not exceed an expeditious schedule for controlling that same unit. Additionally, the company must commit to

appropriate interim operation and maintenance provisions designed to minimize emissions from the existing unit. The schedule for construction of the replacement facility should include increments of progress and stipulated penalties sufficient to provide a clear incentive to meet those increments. A surety bond would also be required, to be forfeited if the old facility does not permanently cease operation by the specified date.

For purposes of the Limited Life Facilities Policy, a "replacement facility" can include an existing unit which is currently shut down if the company is proceeding with an expeditious schedule to install controls and bring it back on line in compliance. In such an instance, units currently in use may remain in operation until the scheduled date for resuming operation of the units currently shut down, subject to the same conditions enumerated above.

The Limited Life Facilities Policy is currently under review by the Office of Legal and Enforcement Policy, and further guidance may be forthcoming.

Compliance with RACT if Part D Plan is Not in Force

The policy states on page 3 that if no Part D plan is in force, the source must commit to comply with requirements of Reasonably Available Control Technology (RACT). The judgment order should indicate that RACT limitations acceptable to EPA remain in effect and that the court retains jurisdiction to enforce this provision until such time as a Part D plan satisfying the requirements of Section 172 is approved by EPA and becomes effective.

Significant Cash Penalty

Page 4 of the policy indicates that a court order allowing a source to operate out of compliance beyond December 31, 1982 must require payment of a significant civil penalty, including a "substantial" cash component. While credits are still considered an option, they must be clearly justified under the terms of the Civil Penalty Policy. In all cases at least one third of the penalty settlement amount should be in cash.

A new civil penalty policy is currently being developed by the Office of Legal and Enforcement Policy. The existing Civil Penalty Policy remains in effect until a new policy is issued.

Filing a Federal Action Where State Action Is Inadequate

The September 20, 1982 memorandum recognizes that states have primary responsibility for enforcement of the Clean Air Act but clearly indicates that Federal enforcement will be inititated where states are not adequately addressing a violation. The principles

set forth in that memorandum are to be used to evaluate the adequacy of the state action. While we do not expect states to track the policy in every detail, the state's action should be consistent with the threshold criteria set forth in the September 20 policy for determining whether a source should be allowed to remain in operation beyond December 31, 1982. For sources for which an extended compliance deadline is justified, a state judicial order or administrative order other than a delayed compliance order must, at a minimum, include the following key elements to justify EPA deferral:

1) The source commits to an expeditious schedule to come into compliance with the applicable State Implementation Plan (or RACT, if no Part D plan is in force).

2) The compliance schedule contains enforceable increments of progress.

3) The order includes reporting requirements, including reporting to the state and, if a judicial order, to the court, of completion of each increment.

4) The order treats limited life facilities consistent with this guidance.

5) The order requires payment of a significant cash penalty. A state does not necessarily have to assess a penalty which would suffice as a settlement figure for a Federal action under the Civil Penalty Policy. However, some penalty must be included, and it must be reasonable in light of the statutory criteria set forth in Section 113(b) of the Clean Air Act. If a state order is adequate in all respects except the amount of penalties, the Region should consider a Federal penalties action under Section 113(b) or 120.

We do not think it is practical to set rigid deadlines for state resolution of a violation under this policy. However, each Region should document the terms of deferral in every instance, confirm them with the States, and promptly initiate Federal enforcement action if those terms are not met. The terms of deferral should require that the state expeditiously resolve each violation. For any source which has been continuously in violation for a long time and where the state has already failed to take timely enforcement action, EPA should prepare to file an action quickly. We expect to see a significant portion of the sources subject to the policy in every Region either in compliance, on an acceptable compliance schedule or subject to enforcement action within the first six months of 1983.

Issuance of Notices of Violation by EPA

In light of the need to bring sources subject to the policy into compliance as expeditiously as practicable, each Region should begin issuing Notices of Violation to these sources as quickly as possible. This practice should be followed even if the state is proceeding with an enforcement action against the source, so that EPA will be in a position to initiate its own enforcement action in the event the Agency determines that the state action is inadequate. (Attached is a sample paragraph which may be used in an NOV when a state action is proceeding.) Issuance of NOV's should be postponed only if a SIP revision has been submitted to EPA which would place the source in compliance and which, based on preliminary review, appears to be approvable. If the state completes enforcement action which conforms to the terms of the policy and this guidance, EPA should notify the source and the state that it views the state action as a satisfactory resolution of the violation. A Federal NOV should be formally withdrawn only if EPA subsequently determines that there is no factual basis for it.

Implementation guidance issued by the Office of Air, Noise and Radiation on September 20, 1982 advised the Regions to consult with states to identify the lead enforcement agency for each source subject to the policy. This effort should continue in addition to the Federal issuance of NOV's to all such sources.

Facilities Subject to the Policy

The policy applies to all sources located in areas which are designated primary non-attainment for one or more pollutants for which the emission limitations are being violated (unless subject to an attainment date later than December 31, 1982). If Federal judicial action is taken against any such source, it must be consistent with the policy.

The policy does not apply to any source which is issued a delayed compliance order under Section 113(d) of the Act by EPA, or by a State provided that the order meets the statutory criteria and is submitted to and approved by EPA.

Updating Lists of Sources Subject to the Policy

We request that each Region update its list of sources subject to the policy and submit the updated list to Ed Reich, Director, Stationary Source Compliance Division, by January 31, 1983. This list should be comparable in format to the previous submissions, and it should include all Class A sources (including A-2 sources) which are in noncompliance as of December 31, 1982 and subject to the policy. We will use this list to monitor the initial implementation of the policy. While we recognize that the universe of

sources subject to the policy will continue to change, we do not plan to ask for further updating of this list. After the initial phase of implementation, we will monitor the effectiveness of the program through the reporting on "significant violators" currently required by the Management Accountability System.

Additional Guidance

Requests for additional guidance should be directed to Elliott Gilberg (382-2864) or Michael Alushin (382-2820) of the Office of Enforcement Counsel, Air Division, or Ed Reich of the Stationary Source Compliance Division (382-2807).

Attachment

cc: Carol E. Dinkins
Assistant Attorney General
Land and Natural Resources Division
Department of Justice

Stephen D. Ramsey, Chief
Environmental Enforcement Section
Department of Justice

Directors, Air & Waste Management Divisions
Regions II-IV, VI-VIII, and X

Directors, Air Management Divisions
Regions I, V, and IX

Sample Language for Notices of Violation

Since the _____ facility is located in a primary non-attainment area for (pollutant) and will not be in compliance by the statutory attainment deadline of December 31, 1982, EPA will closely monitor the state's efforts to bring the source into compliance in accordance with the enforcement policy issued by the EPA Administrator on September 20, 1982 (attached). Under that policy, if a state or local air pollution control agency proceeds with satisfactory enforcement action, EPA will defer Federal enforcement action so long as the source meets the terms of the state order and achieves compliance with the applicable regulation. This notice is issued under Section 113(a)(1) of the Act so that if Federal enforcement action becomes necessary, EPA may promptly issue an order requiring compliance with the applicable provisions listed above or commence a civil action pursuant to Section 113(b) of the Act.

PN 113-83-02-15-017

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 15 1983

OFFICE OF
AIR, NOISE AND RADIATION

MEMORANDUM

SUBJECT: Policy on Excess Emissions During Startup, Shutdown, Maintenance, and Malfunctions

FROM: Kathleen M. Bennett, Assistant Administrator for Air, Noise and Radiation

TO: Regional Administrators, Regions I-X

I have been asked to clarify my memorandum of September 28, 1982, concerning policy on excess emissions during startup and shutdown.

Specifically, I stated that "startup and shutdown of process equipment are part of the normal operation of a source and should be accounted for in the design and implementation of the operating procedure for the process and control equipment. Accordingly, it is reasonable to expect that careful planning will eliminate violations of emission limitations during such periods." I further stated that "[i]f excess emissions occur during routine startup and shutdown of such equipment, they will be considered as having resulted from a malfunction only if the source can demonstrate that such emissions were actually caused by a sudden and unforeseeable breakdown in the equipment."

A question has been posed as to whether there can be situations in which it is unreasonable to expect that careful planning can eliminate violations of emission limitations during startup and shutdown. I believe that there can be such situations. One such situation, which was already mentioned in the policy, is a malfunction occurring during these periods. A malfunction during startup or shutdown is to be handled as any other malfunction in accordance with the policy as presently written.

Another situation is one in which careful and prudent planning and design will not totally eliminate infrequent short periods of excesses during startup and shutdown. An example of this situation would be a source that starts up or shuts down once or twice a year and during that period there are a few hours when the temperature of the effluent gas is too low to prevent harmful

formation of chemicals which would cause severe damage to control equipment if the effluent were allowed to pass through the control equipment.

Therefore, during this latter situation, if effluent gases are bypassed which cause an emission limitation to be exceeded, this excess need not be treated as a violation if the source can show that the excesses could not have been prevented through careful and prudent planning and design and that bypassing was unavoidable to prevent loss of life, personal injury, or severe property damage.

I have clarified the policy concerning this issue. A copy is attached.

Attachment

Attachment

POLICY ON EXCESS EMISSIONS DURING STARTUP, SHUTDOWN, MAINTENANCE, AND MALFUNCTIONS

Introduction

Several of the existing State implementation plans (SIPs) provide for an automatic emission limitation exemption during periods of excess emission due to startup, shutdown, maintenance, or malfunction.* Generally, EPA agrees that the imposition of a penalty for sudden and unavoidable malfunctions caused by circumstances entirely beyond the control of the owner and/or operator is not appropriate. However, any activity which can be foreseen and avoided, or planned is not within the definition of a sudden and unavoidable breakdown. Since the SIPs must provide for attainment and maintenance of the national ambient air quality standards, SIP provisions on malfunctions must be narrowly drawn. SIPs may, of course, omit any provisions on malfunctions. [For more specific guidance on malfunction provisions for RACT SIPs, see the April 1978 workshop manual for preparing nonattainment plans].

I. EXCESS EMISSION FROM MALFUNCTIONS

A. AUTOMATIC EXEMPTION APPROACH

If a SIP contains a malfunction provision, it cannot be the type that provides for automatic exemption where a malfunction is alleged by a source. Automatic exemptions might aggravate air quality so as not to provide for attainment of the ambient air quality standards. Additional grounds for disapproving a SIP that includes the automatic exemption approach are discussed in more detail at 42 FR 58171 (November 8, 1977) and 42 FR 21372 (April 27, 1977). As a result, EPA cannot approve any SIP revisions that provides automatic exemptions for malfunctions.

* The term "excess emission" means an air emission rate which exceeds any applicable emission limitation, and "malfunction" means a sudden and unavoidable breakdown of process or control equipment.

B. ENFORCEMENT DISCRETION APPROACH--SIP EMISSION LIMITATION ADEQUATE TO ATTAIN AMBIENT STANDARDS

EPA can approve SIP revisions which incorporate the "enforcement discretion approach". Such an approach can require the source to demonstrate to the appropriate State agency that the excess emissions, though constituting a violation, were due to an unavoidable malfunction. Any malfunction provision must provide for the commencement of a proceeding to notify the source of its violation and to determine whether enforcement action should be undertaken for any period of excess emissions. In determining whether an enforcement action is appropriate, satisfaction of the following criteria should be considered.

1. To the maximum extent practicable the air pollution control equipment, process equipment, or processes were maintained and operated in a manner consistent with good practice for minimizing emissions;

2. Repairs were made in an expeditious fashion when the operator knew or should have known that applicable emission limitations were being exceeded. Off-shift labor and overtime must have been utilized, to the extent practicable, to ensure that such repairs were made as expeditiously as practicable;

3. The amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent practicable during periods of such emissions;

4. All possible steps were taken to minimize the impact of the excess emissions on ambient air quality; and

5. The excess emissions are not part of a recurring pattern indicative of inadequate design, operation, or maintenance.

II. EXCESS EMISSIONS DURING STARTUP, SHUTDOWN, AND MAINTENANCE

Any activity or event which can be foreseen and avoided, or planned, falls outside of the definition of sudden and unavoidable breakdown of equipment. For example, a sudden breakdown which could have been avoided by better operation and maintenance practice is not a malfunction. In such cases, the control agency must enforce for violations of the emission limitation. Other such common events are startup and shutdown of equipment, and scheduled maintenance.

Startup and shutdown of process equipment are part of the normal operation of a source and should be accounted for in the planning, design and implementation of operating procedures for the process and control equipment. Accordingly, it is reasonable to expect that careful and prudent planning and design will eliminate violations of emission limitations during such periods. However, for a few sources there may exist infrequent short periods of excess emissions during startup and shutdown which cannot be avoided. Excess emissions during these infrequent short periods need not be treated as violations providing that the source adequately shows that the excess could not have been prevented through careful planning and design and that bypassing of control equipment was unavoidable to prevent loss of life, personal injury, or severe property damage.

If excess emissions occur during routine startup and shutdown due to a malfunction, then those instances will be treated as other malfunctions which are subject to the malfunction provisions of this policy. (Reference Part I above).

Similarly, scheduled maintenance is a predictable event which can be scheduled at the discretion of the operator, and which can, therefore, be made to coincide with maintenance on production equipment, or other source shutdowns. Consequently, excess emissions during periods of scheduled maintenance should be treated as a violation unless a source can demonstrate that such emissions could have been avoided through better scheduling for maintenance or through better operation and maintenance practices.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

PN 113-82-08-12-014

AUG 12 1982

OFFICE OF
AIR, NOISE AND RADIATION

MEMORANDUM

SUBJECT: Guidance Concerning EPA's Use of Continuous Emission Monitoring Data

FROM: Kathleen M. Bennett
Assistant Administrator for Air, Noise and Radiation

TO: Directors, Air and Waste Management Divisions,
Regions II-IV, VI-VIII, and X

Directors, Air Management Divisions,
Regions I, V and IX

This memorandum addresses EPA's use of Continuous Emission Monitoring (CEM) data in enforcement of NSPS and SIP emission and operating and maintenance (O&M) provisions and in other general EPA activities. It provides guidance as to when, as a legal matter, continuous emission monitoring constitutes the test method associated with an emission limitation. It is not intended to preclude the exercise of reasoned discretion by an enforcing agency based on a review of the representativeness of the data and the circumstances giving rise to the excess emissions.

Use of CEMs that are Specified as the Source Compliance Test Method

In each instance where CEMs have been promulgated or approved by the Agency as an official method to determine source compliance with the applicable emission limitations, the Agency can rely upon CEM data when making compliance determinations. CEMs have been specifically prescribed as the method to establish emission violations for one or more pollutants in the following instances:

- NSPS electric utility steam generating units, regulated by 40 CFR Part 60 Subpart Da;
- NSPS primary nonferrous smelters, regulated by 40 CFR Part 60 Subparts P, Q and R;
- NSPS stationary gas turbines, regulated by 40 CFR Part 60 Subpart GG;
- various sources regulated by permits, orders, or consent decrees in which CEM has been specifically designated as the test method;

- various types of sources which are regulated by SIPs (e.g., Nevada SIP, 40 CFR §52.1475(d)) where the State has specified CEM as the test method.

Some sources object to EPA's reliance upon CEM data to enforce SIP emission provisions for source categories for which EPA has not specified the use of CEMs in comparable NSPS regulations. Such an objection is not legally supportable, since States have the right to specify their own methods in their SIPs, even if they are different from those imposed by EPA for NSPS sources. Section 1.0 of Appendix P to 40 CFR Part 51 delineates that SIPs may specify that CEM data be used "directly or indirectly for compliance determinations or any other purpose deemed appropriate by the State." The Agency can rely upon CEM data for compliance determinations whenever such methods are specified in the EPA-approved SIP.

Use of CEMs in SIPs where an Emission Compliance Test Method is Not Specified

There are some instances when SIPs do not specify a compliance test method. When that occurs, the applicable regulation, 40 CFR §52.12(c)(1), states that for the purpose of Federal enforcement:

> "sources subject to plan provisions which do not specify a test procedure... will be tested by means of the appropriate procedures and methods prescribed in Part 60 of this chapter; unless otherwise specified in this part."

Generally, Part 60 does not specify CEM as the compliance test method and therefore EPA cannot use CEM data to determine source compliance with a SIP emission limitation. However, in accordance with §52.12(c)(1), CEM data would be the applicable test method for the two categories of sources for which it is the NSPS performance test method, nonferrous smelters (as in Subparts P, Q and R); and stationary gas turbines (as in Subpart GG).

The Agency shall rely upon CEM data to determine a source's compliance status with a SIP emission limit for smelters (for SO_2) and for stationary gas turbines (for NO_x). Since CEM is the only compliance test method specified in Part 60 for these source categories, CEM is clearly the "appropriate" method under Part 60 for purposes of §52.12(c)(1).

In addition, there is some ambiguity regarding the appropriate procedures for fossil-fuel-fired steam generators prescribed in Part 60 because Part 60 contains two significantly different types of SO_2 and NO_x performance test methods. Specifically, Subpart D specifies

Reference (stack test) Methods 6 and 7 as the performance test methods for SO_2 and NO_x emissions, respectively. However, Subpart Da specifies use of CEM data to determine compliance with the SO_2 and NO_x emission standards.

The Agency shall rely upon the performance test methods specified in Subpart D (Reference Methods 6 and 7) to determine a source's compliance status with SIP SO_2 and NO_x emission limits for fossil-fuel-fired steam generators. For this category of sources, it is more consistent with the development of the SIPs to use these methods since they are the traditional compliance test methods for this source category. (For new sources actually subject to Subpart Da, we would not expect this issue to arise since new source permits should specify the applicable test method.)

Use of CEM's where State Regulations Contain Discretionary Authority as to Compliance Test Methods

A problem in interpreting the SIP continually arises because most SIPs specify test methods (often adopting EPA methods by reference) but also allow for discretionary acceptance of an "equivalent" or an appropriate "alternative" by the State. Relying on such language, many States have accepted CEM data as an adequate demonstration of compliance and have used such data to determine the existence of a violation.

Since EPA's enforcement authority is guided by State regulations specifically approved in the SIP, questions have been raised as to whether EPA will independently apply State discretionary authority and interpret what is reasonable as an "equivalent" or "alternative" compliance test method, or, if not, whether EPA may follow the State's lead, if the State chooses to allow CEM as the test method.

The answer is that EPA will not independently exercise such authority. Only when the State has exercised such authority to adopt CEM as a test method and when the exercise of that authority has been reflected in the SIP, will EPA use CEM as the test method.

Use of CEM Data for Determining Potential Operations and Maintenance (O&M) Violations

NSPS regulations (40 CFR 60.11(d)) specify that "at all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information

available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source." Many SIP's have similar provisions requiring proper operation and maintenance. Use of CEM data, while not necessarily conclusive, is a valid indicator of compliance with requirements such as §60.11(d) and can be used as such.

Use of CEMs as a General Compliance Monitoring Tool

CEMs can provide the Agency with useful data for circumstances other than those delineated above. For instance, CEM data can be used to: (1) screen a source's compliance status (with both emission limitations and O&M requirements); (2) select which sources should be inspected or compliance (stack) tested; (3) document the severity (e.g., duration, magnitude and frequency) of a source's excess emissions; and (4) document that a compliance test was performed during "non-representative" operating conditions.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

PN 113-82-05-04-013

MAY 4 1982

OFFICE OF
AIR, NOISE AND RADIATION

SUBJECT: Guidance on Policy for Enforcement of VE Violations Against Sources Which are Meeting an Applicable Mass Emission Standard

FROM: Kathleen M. Bennett
Assistant Administrator for Air, Noise and Radiation

TO: Regional Administrators, Regions I-X

The following guidance presents EPA policy for enforcement of VE violations against sources which are meeting applicable mass emission standards.

A Headquarters guidance memorandum issued on June 2, 1981 states that where a power plant is in violation of a visible emission limit, but concurrently achieved the mass emission requirements, a revision of the visible emission limit for that source may be an appropriate regulatory response and this might justify giving lower priority to enforcing the VE limit in the interim while the limit is being revised. The June 2nd guidance was initially written to address oil-fired power plants, but has been expanded to include other stationary sources which are subject to both mass emission and visible emission standards. Regional response to that memo requested clarification concerning what criteria should be used in determining when this guidance is applicable. The policy presented below supersedes the previous guidance issued on this subject.

Please note that this guidance is not intended to address whether or not VE requirements are an independent, enforceable part of a SIP. We believe they should be and, absent something in the SIP to the contrary, we believe they are. In addition, we are not suggesting enforcement action against VE violations be taken only when accompanied by a fully documented mass violation. Rather, there are circumstances as identified below where VE is basically a surrogate for mass emissions and consequently it would be a waste of scarce resources to proceed with a VE enforcement action when we believe mass standards are being met.

Most visible emission standards were developed as a practical and economic means for determining whether emission control equipment, necessary for a source to meet a mass emission limit, is continuously maintained and properly operated. In instances where no mass emission limit is applicable, such as fugitive process emission sources, or where accurate emission testing is not possible, visible emission standards are the vehicle for directly regulating particulate emissions and are not subject to the guidance provided in this memo.

It is our policy not to pursue visible emission violations where we believe it is probable that the source is in compliance with the mass standard. If a source has documented its compliance with the mass standard, we should evaluate the case to determine if there is reason to believe that there have been any changes in operating conditions or in the performance of the control system to suggest that the prior determination is not an accurate representation of its current compliance status with respect to the mass standard. If there have been no such changes, the policy stated in this memorandum would be effective. If there have been any significant changes, further action might be appropriate.

Only after these areas have been investigated should consideration be given to revising the visible emission standard. Of course, it will be necessary to consider the effect of any relaxation of visible emission limits on attainment and maintenance of the ambient standards where VE was relied upon in the State's control strategy evaluation. Where appropriate, this option should be discussed with the State agency as an acceptable means of resolving the violation. However, the State may have reasons for not wanting to change the standard and it is appropriately the State's decision to make. In any case, under this condition, pursuit of an enforcement action by EPA would not normally be a justified use of resources.

If you have any questions or comments about this issue or application of this policy, please feel free to call Richard Wilson at 755-2977 or Edward Reich at 382-2807.

should take the form of a letter to the source (with a copy going to the relevant State agency). This letter should tell the source that although its liability under Federal law has not been changed by the State decree (order/variance), the primary responsibility for enforcement of air pollution regulations lies with the State under the Clean Air Act, and the existence of the State action will mean that EPA will not take an enforcement action, provided the source continues to cooperate with the State enforcement efforts and EPA continues to view the State action as effective.

Upon a determination that State action is adequate, all EPA case development activity concerning that source would be deferred and the State would have the lead on the case (provided that the State's handling of the case continued to be effective). Any additional EPA case development activities concerning this source would be directed towards assisting the State in its enforcement endeavors. Inspections, source tests, or the issuance of §114 letters would be the most likely form of assistance requested by the State.

EPA deferral could take place at any point in the case development process, even after a case had been referred to Headquarters. There is no arbitrary point at which EPA would automatically retain the lead on a case. However, EPA would not likely withdraw a case already filed in court unless it had great certainty that the State action would in fact be effective in achieving compliance. It would normally be preferable at this stage to merely seek a postponement of the Federal action pending the source's coming into compliance.

It is important to ensure that even non-federally cognizable State actions (and their schedules) are tracked in CDS. This information is essential to have for oversight purposes, and of course, in order to keep track of the progress being made by State enforcement agencies in addressing all significant violators.

If you have any questions or comments about this memorandum or a particular application of this policy, please feel free to call Dick Wilson at 755-2977 or Ed Reich at 382-2807.

cc: Robert Perry

PN 113-80-05-27-007

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 27 1980

MEMORANDUM

OFFICE OF ENFORCEMENT

SUBJECT: Delayed Compliance Orders Requiring SIP Compliance Through Temporary Control Measures--Amended Guidance

FROM: Deputy Assistant Administrator for General Enforcement

TO: Enforcement Division Directors, Regions I-X

As indicated by my memorandum of March 7, 1980, the memoranda dated September 15, 1978, and December 8, 1978 ("the 1978 memoranda"), concerning delayed compliance orders ("DCO's"), have been withdrawn. This memorandum supersedes the 1978 memoranda.

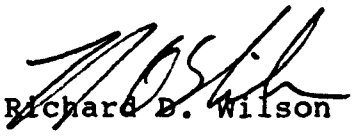
The 1978 memoranda interpreted the provisions of Section 113(d) of the Clean Air Act as authorizing the approval of a DCO under certain conditions notwithstanding that the order did not require achievement of final compliance on the applicable deadline (in most cases, July 1, 1979) through the eventual means of control contemplated by the order. A source would therefore have been allowed to meet the final compliance deadline either by ceasing its operations or by other temporary means of compliance pending the subsequent installation of pollution controls or completion of process changes.

The Office of General Counsel has advised that an order under Section 113(d) may be issued or approved only if the order requires a demonstration of compliance by the applicable DCO deadline through the use of the ultimate means of control. Section 113(d)(1)(D) requires that an order "provide for final compliance" by the applicable deadline. Thus, a DCO must require a source to achieve and demonstrate compliance by the deadline in Section 113(d)(1)(D) through the use of the control measures set forth in the order's timetable and schedule for compliance. While Section 113(d) does not by its terms require that compliance be achieved by the ultimate means of control, only such a content given to the requirements of Section 113(d)(1)(D) gives meaning to the requirement of "final compliance." The word "final" modifies the word "compliance" and limits the kinds of compliance that satisfy the requirements of Section 113(d)(1).

The structure of Section 113(d) supports this interpretation of "final compliance" in Section 113(d)(1)(D). Under Section 113(d), the Agency and the States are authorized to issue an order postponing source compliance with the applicable

State Implementation Plan (SIP) only if the order meets the conditions set forth in that Section. The conditions relate generally to the achievement in fact of final compliance and the reduction of emissions in the interim to the maximum extent reasonable and practicable. Source compliance with the SIP may be deferred only if, among other things, the order establishes an enforceable schedule of actions leading to final compliance (Sections 113(d)(1)(B), 113(d)(6), and 302(p)) as expeditiously as practicable, but not beyond the applicable deadline (Section 113(d)(1)(D)). In addition, the order must require the source to reduce emissions by the best practicable system in the interim (Sections 113(d)(1)(C) and 113(d)(7)) and must require the source to comply with SIP limitations, in so far as it is able to do so, during the duration of the order (Section 113(d)(7)). Controlled deferral of achievement of air quality goals by a date certain would be compromised by the issuance or approval of an order which contemplates final compliance after such date. This view of "final compliance" is also supported by the absence within Section 113(d) of any mechanisms for enforcing, within the four corners of the order, source compliance with any increments of progress which might extend beyond the applicable DCO deadline.

If you have any questions on this matter, contact Mark Silvermintz in the Division of Stationary Source Enforcement (FTS 755-2570).



Richard D. Wilson

cc: Michael James
Associate General Counsel
for Air, Noise, and Radiation

PN 113-80-03-11-006

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 11 1980

OFFICE OF ENFORCEMENT

MEMORANDUM

Subject: Interim Particulate Controls

From: Deputy Assistant Administrator
for General Enforcement

To: Enforcement Division Directors, Regions I-X

The Office of Enforcement has developed a policy on the use of flue gas conditioning as a means of interim particulate control for power plants and industrial boilers. A statement of the policy is attached. As more experience is acquired with flue gas conditioning and other means of interim control, appropriate changes will be made to the policy.

We also attach sample language that reflects the policy statement; it is suitable for use in court orders and, with proper word changes in paragraph 6, in administrative orders. This language should be modified as may be appropriate to fit the circumstances of individual cases.

The policy statement and the sample language incorporate a reference test method for measuring sulfuric acid emissions. A statement of the test method will be forwarded when ready.

A draft of the policy statement was circulated for comment on October 10, 1978. The comments received from the Regions and others were considered in preparing this final statement.

The policy statement indicates that under proper circumstances, flue gas conditioning is an appropriate and effective interim particulate control. It is not, of course, the only possible means of interim particulate control and all alternatives should be considered and weighed in each particular case.

For example, it might be appropriate in a given case to require a moderate reduction in operations as a way of reducing particulates on an interim basis. Of course, where a source demonstrated the effectiveness of flue gas conditioning in accordance with the policy statement, this could obviate, in whole or in part, the need for such derating.

If you have any questions, please contact Edward Reich of the Division of Stationary Source Enforcement, at FTS 755-2550 or James Herlihy at FTS 423-3250.

Richard D. Wilson

Attachments

March 1980
Office of Enforcement

ENFORCEMENT POLICY ON INTERIM PARTICULATE CONTROLS

It sometimes happens that a coal-fired power plant or industrial boiler is out of compliance with particulate emission regulations because an existing precipitator is inadequate. This can occur for numerous reasons. The precipitator may be underdesigned, the boiler may be operated above design rates, or the plant may switch from a high to a low sulfur fuel. In all such cases, the plant may be ordered to install a replacement or supplementary precipitator over a two or three year time period. During this period, interim particulate controls should be required when practical.

Flue gas conditioning to supplement precipitator performance may be appropriate as an interim means of control in certain situations. In many cases, the necessary equipment can be installed and made operational in a few months and at reasonable cost. On the other hand, conditioning agents may be toxic and their effectiveness is not always certain. For these reasons, flue gas conditioning should not be required in every case. However, where it is reasonable to expect that particulate emission reductions brought about by conditioning agents will more than offset increased toxic emissions, conditioning may be appropriate. The Office of Research and Development (ORD) has been consulted to determine the circumstances under which flue gas conditioning may be appropriate for interim control. The guidelines in this memo are consistent with ORD recommendations.

When a coal-fired power plant or industrial boiler is ordered to comply with particulate emissions because an existing precipitator is inadequate, it is suggested that flue gas conditioning be considered as a means of interim particulate control. Alternative approaches may also be considered. For flue gas conditioning to be appropriate, the following conditions should normally be met:

1. Conditioning is likely to be effective. As a guideline, it should be likely that conditioning will reduce net particulate emissions about 50 percent.

   In some cases, there may be performance data from trial runs or pilot plant studies that will help indicate whether this condition is met. Usually, however, such data will be unavailable, so the effect of conditioning must be determined some other way. Methods have been developed to calculate the

effectiveness of some conditioning agents. These calculations should be made and the results used to determine whether a net particulate reduction of about 50 percent is likely. (A contractor will be made available to assist with the calculations.)

The calculations require an elemental analysis of fly ash, so samples of fly ash or coal will be needed. If the source has not purchased its new low sulfur coal, samples may not become available until after the compliance order issues. If an order is to be issued in such a situation, the order should provide that conditioning will be required after coal or fly ash samples are tested, if EPA determines that conditioning is likely to be effective.

2. Acid sulfate emissions will not increase significantly. As a guideline, the increase in acid sulfate emissions, based on averages measured by the controlled condensation test method, should not exceed about five parts per million.

3. An approved conditioning agent is used. To lessen the possibility that conditioning will increase toxic emissions, the conditioning agents should be restricted to the following, either singly or in combination: inorganic sulfate, phosphate, or carbonate salts of sodium, ammonium, magnesium, aluminum, or iron; the gases sulfur trioxide, ammonia, steam (or water), air, or oxygen; the oxides of iron, or sulfamic acid. To ensure that this condition is met, the approximate composition of the conditioning agents should be disclosed to EPA.

4. The interim period has a reasonable duration. The interim period should be of such duration that the conditioning system will be in operation for a reasonable length of time before final compliance is achieved. Reasonableness must be determined on a case by case basis considering all relevant factors such as emission rates, expected emission reductions, air quality, installation times, etc.

5. The costs are reasonable. The installation and operating costs should be reasonable. The reasonableness of cost must be determined case by case based on all relevant factors, as indicated in the preceding paragraph.

6. The precipitator is in good repair. The predicted effects of conditioning are based on the assumptions that the precipitator is in good mechanical condition and that the precipitator is operated properly. If an

order is issued to a source with a poorly maintained or operated precipitator, the order should include requirements for proper maintenance and operation.

If flue gas conditioning appears to be a reasonably practical means of interim control based on the above conditions, the Region should consider including requirements for conditioning in the compliance order. In making a final decision, site-specific factors should be considered. For example, if the area in which the source will be located is nonattainment for particulates, there will be greater incentive to require conditioning than if the ambient standard were being met. On the other hand, if other sources in the area are already emitting acid sulfates, it will be less desirable to require conditioning with agents that cause the emission of additional acid sulfates. The Region should make determinations on a case by case basis, and the Division of Stationary Source Enforcement (DSSE) will provide assistance on request.

It may also happen that flue gas conditioning is appropriate even if the above conditions are not met; but in such cases, the Region should consult with DSSE before issuing orders.

If conditioning is ordered, emission tests should be conducted with and without conditioning, to confirm expected particulate reductions and to measure any increase in acid sulfates. Net particulates should be reduced about 50 percent. The increase in acid sulfate emissions should not be more than about five parts per million. EPA Method 5 should be used for the particulate measurements, and the controlled condensation test method should be the reference method for acid sulfates. If conditioning agents other than sulfur trioxide, ammonium sulfate, or sodium carbonate are used, DSSE should be consulted for possible modifications to the test method for acid sulfates.

Unfortunately, the normal variability in measurements of acid sulfates (due to limitations in the test method and to changes in coal sulfur content) is about the same magnitude as the increases that need to be determined. To obtain sufficient accuracy, it is recommended that the average of at least eight runs be used to determine baseline emission levels without conditioning agents. The average of at least eight more runs should be used to measure emission levels with conditioning agents. The increase (if any) should be determined by subtracting the first average from the second. As a check on the validity of the acid sulfate measurements it is recommended that simultaneous sulfur dioxide measurements be made. This will indicate the variability

of the sulfur in the coal and help explain any observed variations in the acid sulfate results.

During the emission tests, the conditioning system should be operated in a manner previously approved by EPA. (This will normally be according to the specifications of the supplier of the conditioning agents.) After the test, the source should not be allowed to deviate from the test mode of operation without the approval of EPA, which may be conditioned on additional testing to determine whether other requirements of the order are met.

Visible emissions should be recorded during the emission tests and monitored continuously after the conditioning system becomes operational. The order should provide that reports be made to EPA when visible emissions increase significantly during the interim period. EPA can then inspect the plant to determine whether the source is violating the order by deviating from the test mode of operation.

EPA should reserve in the order an ability to require that a different conditioning system be installed or at least an ability to seek a further court order for such a change if the emission tests show that net particulate emissions are not reduced about 50 percent or that acid sulfate emissions increase more than about 5 parts per million. The first option is more conservative, and should normally be insisted upon when the source intends to select a conditioning system that is considered less likely to be successful than alternative systems and/or the need for interim particulate controls is great. Interim controls are more important, for example, when the source is located in an area that does not meet the ambient air standards for particulates.

Flue gas conditioning is potentially applicable to many source types, but so far additives have been demonstrated only on coal-fired power plants. Compliance orders that require conditioning should not be issued to sources other than coal-fired power plants or industrial boilers without first consulting DSSE.

Flue gas conditioning should not be recommended as a means for achieving final compliance, because of the possible toxic effects of conditioning agents. The major reasons for this are: 1) there is greater risk when possibly toxic agents are used on a permanent basis, because the duration of exposure will be longer, and 2) alternative technology such as precipitators can achieve compliance without the increased emission of possibly toxic agents. However, if it is shown to EPA's satisfaction that the conditioning agents are nontoxic their use as a means of achieving final compliance may be considered on a case by case basis.

Proper maintenance of the existing precipitator is also important for interim control. If the precipitator is not adequately maintained, the benefits of conditioning may be cancelled out, so consideration should be given to requirements for restoring the precipitator to good mechanical condition. The following items are important: a) gas distribution to the precipitator should meet the requirements of the Industrial Gas Cleaning Institute; b) collector plates should be properly aligned; c) all discharge electrodes should be in place; d) all power supplies and controllers should be operational; e) proper ash handling procedures should be followed.

INTERIM PARTICULATE CONTROL REQUIREMENTS:
(Sample Language For Court Orders)

(Source) shall comply with the following interim requirements.

1. On (Date), (Source) shall provide EPA with representative samples of the coal it plans to purchase. EPA will then make a determination whether flue gas conditioning is likely to be effective in reducing particulate emissions when such coal is burned at (Affected Facility) and otherwise appropriate. If EPA determines that flue gas conditioning is likely to be effective and otherwise appropriate, (Source) shall comply with the provisions of paragraphs 2 through 8 inclusive. If EPA's determination is to the contrary, paragraphs 2 through 8 shall be void. In either case, paragraph 9 shall be effective.

   (Note: this paragraph should be used only when it is necessary to delay a decision on requiring flue gas conditioning, until samples of a new coal supply become available for testing.)

2. A system for conditioning the flue gas from (Affected Facility) by the addition of chemical agents shall be installed according to the following schedule:

   a) (Date): Final interim control plan submitted to EPA.

   b) (Date): Contract for flue gas conditioning system awarded.

   c) (Date): On-site construction of flue gas conditioning system begun.

   d) (Date): On-site construction of flue gas conditioning system finished.

   e) (Date): Flue gas conditioning system fully operational.

3. Before the date specified in paragraph 2 for the flue gas conditioning system to be fully operational, (Source) shall perform two sets of emission tests on the stack gases from (Affected Facility). One set of tests shall be run without flue gas conditioning and one set of tests shall be run with flue gas conditioning. The same type of coal shall be burned during both sets of tests. The boiler load, sootblowing operations, and the amount of excess air shall be the same for both sets of tests. The following pollutants shall be measured simultaneously:

   a) Particulates; for each set of tests, at least three measurements shall be made using EPA Method 5 (40 CFR Part 60, Appendix A) and the results averaged.

   b) Visible emissions; for each set of tests, at least three measurements shall be made using EPA Method 9 (40 CFR Part 60, Appendix A) and the results averaged.

   c) Acid sulfates; for each set of tests, at least eight measurements shall be made using the test method specified in Tab A, and the results averaged.

   d) Sulfur dioxide; for each set of tests, at least eight measurements shall be made using EPA Method 6 (40 CFR Part 60, Appendix A), or an equivalent test method, done simultaneously with the tests for acid sulfates.

   All measurements shall be made with (Affected Facility), and the electrostatic precipitator at normal operating conditions.

   For the set of tests with flue gas conditioning, the flue gas conditioning system shall be operated in the manner recommended by the supplier of the conditioning agents.

   To allow the precipitator to stabilize, the measurements with conditioning agents shall be preceded by at least ten days of operation with conditioning agents. Similarly, the tests without conditioning agents shall be preceded by at least ten days of precipitator operation without conditioning agents.

(Note: if conditioning agents other than sulfur trioxide, ammonium sulfate, or sodium carbonate are used, DSSE should be consulted for possible modifications to the test method for acid sulfates.)

4. Any emission tests required by paragraphs 3, 5, 6, or 7 shall be subject to the following additional requirements:

   a) EPA shall receive two weeks written notice before the emission tests are run, and shall have the opportunity to observe all tests.

   b) A private contractor (not the supplier of the conditioning system and not the supplier of the conditioning agents) shall conduct the tests and certify the results to EPA.

   c) (Source) shall certify to EPA that (Affected Facility) and the associated electrostatic precipitator were operating normally, and that the flue gas conditioning system was operating according to the supplier's specifications during the tests.

5. (Source) shall use (Specify) as the conditioning agent.

   If the approximate composition of the conditioning agent changes at any time before final compliance with particulate emission regulations is achieved, (Source) shall disclose the new approximate composition to EPA in writing, within two weeks after the change occurs. The new conditioning agents, however, shall be subject to approval by EPA. Moreover, if the approximate composition of the conditioning agents is changed after the performance tests required by paragraph 3 have been conducted, EPA may, at its discretion, require additional performance tests that meet the requirements of paragraphs 3 and 4. If EPA decides to require such additional tests, EPA shall so notify (Source) in writing. (Source) shall cause such tests to be completed within one month from the date the notice is received.

(Note 1: the conditioning agents should be restricted to the following, either singly or in combination: inorganic sulfate, phosphate, or carbonate salts of sodium, ammonium, magnesium, aluminum, or iron: the gases sulfur trioxide, ammonia, steam (or water), air, or oxygen; the oxides of iron, or sulfamic acid.)

(Note 2: the Region should not specify or agree to specification of an agent, even if listed above, if the Region believes it will not be effective at the subject facility.)

(Note 3: if the conditioning agents are identified by a trade name, the approximate composition should be disclosed to EPA.)

(Note 4: if conditioning agents other than sulfur trioxide, ammonium sulfate, or sodium carbonate are selected, DSSE should be consulted for possible modifications to the test method for acid sulfates.)

6. If the emission tests required by paragraph 3 (or paragraph 5, if applicable) show that:

   A) The average particulate emissions with flue gas conditioning are more than 50 weight percent of the average particulate emissions without flue gas conditioning; or

   B) The average emission of acid sulfates with flue gas conditioning exceed the average emission of acid sulfates without flue gas conditioning by more than five parts per million parts of the total gas stream by volume,

ALTERNATIVE I

Then EPA may, at its discretion, select some other commercially available conditioning agent(s), and such agent(s) shall be used instead of (Specify the agent named in paragraph 3).

If EPA imposes such a requirement, EPA shall notify (Source) in writing. (Source) shall have six months from the date such notice is mailed, to install a conditioning system using the agents selected by EPA, to make said system fully operational, and to complete a new series of performance tests that satisfy all the requirements of paragraphs 3 and 4.

ALTERNATIVE II

Then EPA and (Source) shall meet to discuss what further action would be appropriate, including the possible installation, testing, and operation of a flue gas conditioning system that uses some other conditioning agent(s). If the parties agree on further actions to be taken, the agreement shall be submitted to the Court as a proposed modification of this order. If the parties do not agree, EPA may petition the Court for such further relief as it deems appropriate.

(Note 1: only one of the above alternatives should be selected.)

(Note 2: Alternative I should be selected if the agent specified in paragraph 5 is considered less likely to be successful than alternative agents and/or the need for interim particulate controls is great.)

7. After the date the flue gas conditioning system is required to be fully operational, (Source) shall operate the flue gas conditioning system until final compliance with particulate emission regulations is achieved, or until EPA notifies (Source) in writing, that conditioning is no longer required. During this period, the flue gas conditioning system shall be operated in the same manner in which it was operated during the emission tests, unless EPA gives written approval for changes. EPA may require additional performance tests that meet the requirements of paragraphs 3 and 4 before giving such approval.

8. After the date the flue gas conditioning system is required to be fully operational, and until the final particulate standards are achieved, (Source) shall continuously monitor the opacity of the flue gas from (Affected Facility). Each month, (Source) shall report to EPA all periods exceeding eight hours throughout which (Affected Facility) operated and one of the following happened:

   a) The monitor did not operate properly.

   b) The opacity exceeded, by more than ten percent, the average opacity measured during the emission tests required by paragraph 3. (For example, if the average opacity during the tests was twenty percent, an opacity greater than thirty percent should be reported.)

c) Any combination of a) and b) occurred. (For example, if excess opacity occurred for three hours, and the monitor was not operating but the plant continued to run for the next six hours, this incident should be reported.)

9. (Source) shall repair the precipitator presently installed on (Affected Facility) as follows:

a) All missing discharge electrodes shall be installed.

b) All sections of the precipitator shall be made operational.

c) All power supply units shall be made operational.

These repairs shall be completed by (Date).

(Note: This paragraph is exemplary only. Items should be added or deleted as appropriate.)

Tab A
Test Method For Acid Sulfates

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

27 JUL 1978

OFFICE OF ENFORCEMENT

MEMORANDUM

Subject: Enforcement Under Clean Air Act Amendments -- Orders Under Section 113(a) and 113(d)

From: Assistant Administrator for Enforcement

To: Regional Administrators
Regional Enforcement Directors

I. Introduction

My April 11, 1978 memorandum entitled, "Enforcement Against Major Source Violators of the Air and Water Acts," summarized our enforcement policy against major source violators of the Clean Air Act (and Clean Water Act). It stated essentially that major air sources which have not taken the steps necessary to bring themselves into compliance must have enforcement action taken against them and that, essentially, such enforcement action would have to be either an administrative, delayed compliance order under Section 113(d) or a civil and/or criminal action. My memorandum of April 11, 1978, entitled "Civil Penalty Policy," stated our penalty policy for use in civil enforcement court actions under Section 113.

This memorandum supplements the above memoranda of April 11, 1978, and summarizes our policy on use of administrative orders as enforcement actions, including both administrative orders under Section 113(a) and the newly authorized administrative order (referred to herein as a "delayed compliance order") under Section 113(d).

II. Previous Guidance Superseded or Incorporated

For several months, EPA circulated for comment a "Second Draft: Strategy Governing Enforcement of State Implementation Plans Against Stationary Sources under the Clean Air Act, as Amended in 1977." On January 16, 1978,

I sent to the Regional Administrators a memorandum, entitled: "Federal Issuance and Approval of Delayed Compliance Orders Under Section 113(d) of the Clean Air Act, as Amended in 1977." This memorandum provided guidance on delayed compli ance orders under Section 113(d). This was followed by a memorandum from the Deputy Assistant Administrator for General Enforcement dated March 10, 1978, entitled: "Procedures for Federal Register Publication of Proposed and Final Agency Action on Administrative Orders under Section 113(d) of the Clean Air Act." This memorandum provided guidance on the mechanics of issuing delayed compliance orders. Subsequently, on May 9, 1978, the Director of the Division of Stationary Source Enforcement issued a memorandum entitled: "Federal Register Notices Proposing Approval, Disapproval, or Issuance of Administrative Orders under Section 113(d) of the Clean Air Act". This memorandum supplemented earlier guidance on the procedures to be followed by EPA in acting on delayed compliance orders.

This memorandum supersedes the earlier drafts entitled "Strategy Governing Enforcement of State Implementation Plans against Stationary Sources under the Clean Air Act, as Amended in 1977" and incorporates the other memoranda referenced in the immediately preceding paragraph.

III. Issuance of Administrative Enforcement Orders under Section 113(a) of the Clean Air Act and Similar State Authorities

Section 113(a)(1) and (4) provide for EPA issuance of administrative orders to violators of a number of Clean Air Act requirements, including State Implementation Plan (SIP) requirements. Prior to the Clean Air Act Amendments of 1977, Setion 113(a) orders were issued by EPA to require compliance within a reasonable time with SIP provisions for which the dates for compliance and, in some cases, the date for attainment of national standards had passed. A number of State and local enforcement officials had similar authority to issue administrative orders requiring SIP compliance.

Although the 1977 Amendments did not change the relevant Section 113(a) language, two new provisions were added to the Act which narrowly limit the situations in which Section 113(a) may be used to obtain compliance by violators of SIP requirements. First, new Section 110(i) of the Act prohibits any action, including issuance of an order by the Administrator or the State, which modifies any stationary source requirement of an applicable SIP,

except in accordance with specific Clean Air Act authorities and these authorities do not include Section 113(a). Second, new Section 113(d) of the Act sets forth specific new procedures and standards for issuance of administrative orders which extend the time for SIP compliance. Section 110(i) permits modification of SIP provisions in accordance with Section 113(d).

These new provisions preclude EPA's use of Section 113(a) to establish schedules which extend the time for SIP compliance. Section 113(a) will now be used by EPA to require SIP compliance by stationary sources only where the compliance can reasonably be required essentially immediately. Since a reasonable time for compliance must be specified under Section 113(a), EPA orders issued under that subsection may provide for compliance within up to 30 days. Such an order does not have the effect of modifying the SIP requirement, however, and a source subject to such an order is not insulated from other enforcement or from the imposition of sanctions (including penalties).

State authorities which, like Section 113(a), permit issuance of administrative orders in accordance with procedures and standards which are not consistent with Section 113(d) are similarly precluded by the 1977 Amendments, at least insofar as such orders purport to modify an applicable stationary source SIP requirement. Section 110(i) would permit modification of the SIP by a State order only if that order can satisfy the requirements of Section 119 for a primary nonferrous smelter order, of Section 110(f) for an emergency suspension, of Section 118 for exemptions for certain federal facilities, of Section 110 for SIP promulgation or revision, or of Section 113(d) for delayed compliance orders. Unless a violator is issued a State order which either requires compliance immediately (i.e., within 30 days) or satisfies the requirements of the provisions listed in Section 110(i), EPA will consider the violator to be in need of further enforcement action to establish an appropriate enforceable schedule for compliance and, in appropriate cases, to impose sanctions.

IV. Issuance and Approval of Delayed Compliance Orders under Section 113(d) of the Act

A. Definition:

Although the term "delayed compliance order" does not appear in Section 113 of the Act, it is used here to distinguish State and federal Section 113(d) orders

from other compliance orders issued under Section 113 or similar State authorities. Section 302(o) of the Act defines a "delayed compliance order" as "an order issued by the State or by the Administrator to an existing stationary source, postponing the date required under an applicable implementation plan for compliance by such source with any requirement of such plan". The fact that Section 113(d) permits such a delay in the SIP compliance date distinguishes it from Section 113(a) and similar State authorities which would permit issuance of an order only for essentially immediate compliance with the plan's requirement. The criteria which must be met for lawful issuance and approval of delayed compliance orders are set forth in Section 113(d) of the Act and are discussed in detail in Appendix A. Briefly, they include the following:

(1) The source must be currently unable to comply;

(2) Notice and opportunity for a public hearing must be provided;

(3) The order must include a schedule for compliance;

(4) The order must include reasonable and practicable interim controls;

(5) The order must include reasonable requirements for monitoring and reporting;

(6) The order must require final compliance as expeditiously as practicable but no later than July 1, 1979, or three years after the date for final compliance specified in the SIP, whichever is later; and

(7) If the order is to a major source, it must notify the source of its possible liability for noncompliance penalties under Section 120 of the Act.

B. Choosing Appropriate Cases for Delayed Compliance Orders:

Where a source does not have an egregious history of noncompliance or recalcitrance, the administrative delayed

compliance order process will normally be used by EPA, and may be used by the States, to establish a compliance schedule, provided, of course, that the source can otherwise qualify for a delayed compliance order. Reliance on delayed compliance orders in such cases will permit use of the potentially less time-consuming administrative, rather than judicial, process to impose schedules and interim requirements. (To keep the administrative burden at a minimum, public notice, hearings, and federal rulemaking may be accomplished for several delayed compliance orders at one time.) This will allow more resources to be devoted to problem sources for which litigation is appropriate. However, issuance of a delayed compliance order must be recognized to be a benefit to the source which will be granted only in appropriate situations.

Since the final compliance date in a delayed compliance order based on an existing SIP is generally limited to July 1, 1979, delayed compliance orders will progressively become less and less available as an option. Therefore, a top priority in the national enforcement strategy is to develop schedules and issue delayed compliance orders to sources which are appropriate candidates for such orders.

The issuance of delayed compliance orders by either the States or EPA is discretionary. In exercising its discretion, EPA will consider any past compliance efforts and any prior State or federal enforcement actions involving the source. If, based on these and other relevant factors, EPA determines that the source is one with an egregious history of noncompliance, recalcitrance, or environmental harm and/or that court supervision is likely to be required in order to assure expeditious compliance, the source will be considered an appropriate candidate for civil or criminal action and no federal delayed compliance order will be issued. Consequently, there will be no category of cases involving a federally issued delayed compliance order and a federal court action relating to the pre-delayed compliance order period. EPA will continue to urge the States to adopt a similar approach in exercising their discretion. However, EPA approval or disapproval of a State delayed compliance order will be based on the statutory criteria of Section 113(d). (See IV.D., "EPA Approval of State Delayed Compliance Orders", below.)

C. The Appropriate Method for Initiation of the Delayed Compliance Order Process:

If EPA and/or the State determine that a source is an appropriate candidate for a delayed compliance order (i.e., that the source is probably eligible for a delayed

compliance order under the Act and that the case is not appropriate for civil penalties), the source should be notified immediately.

In most cases where EPA is enforcing, issuance of a Notice of Violation (NOV)[1/] is the first step in the enforcement process. Where the source appears to be an appropriate candidate for a delayed compliance order, the NOV or State notice should inform the source that it may submit a schedule (which must reflect compliance as expeditiously as practicable, include appropriate interim measures, and otherwise satisfy Section 113(d)). Whether or not State notice is required, or may be provided in some manner other than a written notice, is a question of State law.

The notice should provide that if, after review of the source's proposed schedule, the State or EPA determines that the source is eligible and an appropriate candidate for a DCO and that the proposed schedule is acceptable, public notice and opportunity for a public hearing will be provided. The notice to the source should establish a specific deadline for the source to submit an appropriate schedule and should indicate that if no acceptable schedule is submitted by that deadline, EPA or the State will commence an action for injunctive relief and civil penalties based on the underlying SIP violation. Reference should also be made to the statutory authority for criminal sanctions in cases of knowing violation.

The NOV or State notice should point out that issuance of a delayed compliance order is discretionary and would provide substantial benefits by insulating a source from

---

1/ Although providing an opportunity to confer is not statutorily required prior to EPA's issuance of a delayed compliance order, a conference will probably be useful in the majority of cases. Under §113(a)(1), an NOV (i.e., 30 days notice) is required prior to issuance of an order by EPA under either §113(a) or (d) where that order is based on a SIP violation. The State and the source may waive their rights to receive an NOV. In accordance with Wisconsin's Environmental Decade, Inc., v. Wisconsin Power and Light Company, et al, 7 ERC 2022 (U.S. Dist. Ct., Western Dist. of Wisconsin, June 6, 1975) and EPA's interpretative guidance following that case, issuance of an NOV would be required in any case where EPA finds that a person is in violation of a SIP. This is also a prerequisite to EPA's initiation of judicial action based on such a violation.

judicial action and civil or criminal penalties based on violations of the underlying requirement which are ongoing while the delayed compliance order is being met. The notice should conclude that, for these reasons, a delayed compliance order will not be issued unless the source indicates in writing (by signature of appropriate persons authorized to agree for the source) that it will agree to comply with the delayed compliance order. Source consent will be required for all federal delayed compliance orders and is recommended for State delayed compliance orders as well.[2/] However, a source's agreement to comply is not a precondition to EPA approval of a State delayed compliance order. (See Section IV.D., "EPA Approval of State Delayed Compliance Orders", below.) In effect, only sources which have not already established a history of egregious recalcitrance should be given the opportunity to seek a delayed compliance order. Further, if a source does not cooperate early in the delayed compliance order process, enforcement discretion should be exercised so as to refuse to issue a delayed compliance order. In due course, court action will be undertaken against uncooperative sources seeking compliance and civil penalties under State and/or federal law for each day of violation after August 7, 1977, the date of enactment of the Clean Air Act Amendments.

D. EPA Approval of State Delayed Compliance Orders:

While State procedures for initiation of the delayed compliance order process may vary, Section 113(d) requires notice and opportunity for a public hearing in all cases. States should provide EPA with a copy of any proposed State delayed compliance order prior to any public hearing on the order. As soon as possible, EPA should notify the State in writing of any questions it might have on the appropriateness of issuing a delayed compliance order or on the adequacy of the proposed delayed compliance order's terms. Where the proposed

---

2/ EPA will issue federal delayed compliance orders only to sources which consent to their terms. The form of the consent may be similar to consent provisions embodied in Section 113(a) administrative consent orders issued by EPA prior to the 1977 amendments to the Act. There need not be a specific waiver of the right to challenge the delayed compliance order.

State delayed compliance order presents issues which could lead to disapproval by EPA, EPA representatives should submit written comments to that effect and, within the limits of available resources, appear at the State hearing on the proposed delayed compliance order and comment for the record on its adequacy.

Once the State issues a delayed compliance order, it should notify EPA by sending a copy of the final order to the appropriate Regional Office Enforcement Division Director.[3/] EPA will act as quickly as possible, but, in any case, EPA must approve or disapprove a State delayed compliance order to a major source within 90 days of receipt of the order and notice of its issuance. Upon EPA approval, the State delayed compliance order becomes effective and enforceable by EPA and citizens as well as the State. A State delayed compliance order to a minor source is effective under Section 113(d) upon issuance. However, it ceases to be effective under Section 113(d) if EPA disapproves upon a determination that it was not issued in accordance with the requirements of the Clean Air Act.

In accordance with Section 113(d)(9) of the Act, EPA will vigorously pursue appropriate actions, including seeking penalties, in any case where a federal delayed compliance order has been violated. Where the delayed compliance order involved is an EPA approved State order,

---

3/ Delayed compliance orders under §113(d) of the Act submitted by a local agency for EPA approval must be submitted either (1) through the appropriate State agency or (2) in accordance with procedures established by the State which allow direct submittal to EPA by the local agency. Section 121 of the Clean Air Act requires the States to provide "a satisfactory process of consultation with general purpose local governments, designated organizations of elected officials of local governments and any Federal land manager having authority over Federal land to which the State plan applies". This consultation process will apply to all §113(d) orders issued after August 7, 1978, and must be provided in accordance with regulations to be promulgated by EPA. Until August 7, 1978, both EPA and the States should consult with appropriate local air pollution control agencies wherever possible prior to issuance of any §113(d) order and should attempt to provide actual notice of any proposed §113(d) orders to appropriate local officials.

EPA will consult first with the State to determine whether the State or EPA, or both together, will take action but EPA must assure itself that prompt, vigorous and appropriate action is taken.

If a State issues a delayed compliance order which satisfies the criteria set forth in Section 113(d), EPA will not disapprove the State order based on those policy considerations (see Section IV.B., above) which govern EPA's exercise of enforcement discretion in determining whether judicial action, rather than a delayed compliance order, should be pursued. However, under Section 113(d)(10) of the Act, a delayed compliance order does not insulate a source from initiation of an action to collect civil or criminal penalties for violations which occurred during periods in which the order was not in effect (i.e., the period of violation prior to the delayed compliance order period). Under the Act, it is clear that EPA may pursue judicial action to obtain penalties for such an earlier period of violation even where a State delayed compliance order has been approved. EPA will generally pursue an action for penalties covering the pre-delayed compliance order period where the State has exercised its discretion differently than EPA would have by issuing a delayed compliance order to a source which EPA (utilizing the criteria set forth in Section IV.B., above) has determined to be an appropriate candidate for judicial action.

EPA will evaluate State delayed compliance orders for approval or disapproval in accordance with the criteria set forth in Section 113(d) of the Act. [4/] Those criteria are discussed more fully in Appendix A and are outlined on p. 4 above.

4/ Delayed compliance orders issued by EPA must, of course, meet the same statutory requirements. Delayed compliance orders issued under Section 113(d)(3) to sources intending to comply by replacement, complete change in process, or shutdown are not covered herein but will be addressed in separate guidance. Delayed compliance orders may be issued by the Administrator, but not by the States, under §113(d)(4) (relating to innovative technology) and §113(d)(5) (relating to coal conversions). These will also be treated in separate guidance.

E. Effect of Procedural Delays on Delayed Compliance Order Increments of Progress and Interim Requirements:

Appendix B summarizes the procedures for EPA issuance and approval of delayed compliance orders. Since rulemaking is required, some delay can be expected. However, the effect of this delay can be minimized. Under State law, a State may require the source to begin immediately to meet increments of progress and interim requirements prior to EPA approval of the delayed compliance order In fact, this may be necessary in any case where final compliance cannot be achieved well before the applicable final compliance deadline for an approvable delayed compliance order. In order to avoid more stringent enforcement action and possible liability for judicial penalties, a source which is proceeding in good faith should be willing to begin its compliance efforts immediately and the State may enforce the delayed compliance order immediately under its independent State enforcement authority. A State delayed compliance order to a major source will not, however, become effective under Section 113(d) of the Clean Air Act until EPA approves the State order by final promulgation in 40 CFR Part 65. This means that the State delayed compliance order will not insulate a major source from other enforcement (§113(d)(10)), nor will it become part of the SIP for the purposes of Sections 110, 304, and 307 of the Act (§113(d)(11)) until EPA approves it.

Similarly, EPA will require sources for which federal delayed compliance orders are to be issued, to meet appropriate increments and interim requirements while informal rulemaking procedures are being followed. Again, many sources may not be eligible for delayed compliance orders unless they agree to begin steps toward compliance early enough to avoid continued violation after the deadline set in accordance with Section 113(d)(1)(D).

F. EPA Disapproval of a State Delayed Compliance Order:

Ordinarily, deficiencies in State delayed compliance orders will be attributable to the newness of the delayed compliance order program and unfamiliarity with the delayed compliance order requirements. This should not be a long term problem; EPA will work with the States to allow adequate opportunity to correct oversights and minor problems without

disapproval becoming necessary. Many existing State orders can be supplemented readily to meet the requirements of Section 113(d). EPA is aware that many States are already making commendable efforts to do this.

However, there may be some cases where EPA disapproval is necessary. Where EPA disapproves a State delayed compliance order for a major source, EPA will issue a federal delayed compliance order (if the source is eligible and an appropriate candidate for a delayed compliance order) or initiate judicial action, in accordance with Agency enforcement priorities. If EPA should disapprove a State delayed compliance order to a minor source, EPA must simultaneously issue its own delayed compliance order, assuming the source can meet the statutory eligibility requirements of Section 113(d).

In rare cases, EPA may receive for approval a State delayed compliance order based on violations for which EPA has already filed or begun to process a judicial action. EPA's filing of a judicial action will constitute rejection of the State delayed compliance order. Where this occurs, the State will be notified of the reasons the State delayed compliance order cannot be approved and will be formally notified, immediately after EPA's receipt of the proposed delayed compliance order, that EPA is taking or plans to take judicial action. Notice of the disapproval of the State delayed compliance order will also be published in the Federal Register, but the disapproval will be effective upon notice to the State.

V. Relation of Section 113(a) or (d) Orders to Noncompliance Penalties under Section 120 of the Clean Air Act

A. Applicability of Non-Compliance Penalties under Section 120 of the Act:

The Division of Stationary Source Enforcement is working with other EPA headquarters offices and regional representatives on development of regulations implementing Section 120 of the Act. Early drafts will be circulated widely for comment as soon as they are available.

Generally, there is no exemption from Section 120 noncompliance penalties for sources subject to delayed

compliance schedules by consent decrees, or other administratively or judicially imposed compliance plans including even certain delayed compliance orders with schedules extending beyond July 1, 1979. When the Section 120 noncompliance penalty provision becomes effective (in mid-1979),[5/] EPA or the delegated State must assess a noncompliance penalty against any major source which is not in compliance with a SIP requirement or any other requirement for which penalties must be assessed under Section 120(a)(2)(A). The penalty amount will be based on the economic advantage derived from noncompliance after mid-1979.

5/ With respect to violations of existing emission limitations, the Clean Air Act Amendments did not clearly indicate whether the effective date for noncompliance penalty liability under Section 120 of the Act is July 1, 1979 or August 7, 1979. Both dates are referred to in the definition of "period of covered noncompliance" in Section 120(d)(3)(C). For purposes of determining an appropriate civil penalty, EPA will assume that the administrative penalty will be assessed beginning August 7, 1979. Until the regulations implementing Section 120 have been subject to public comment and promulgated by the Administrator, no final determination can be made, however, with respect to the applicable date for purposes of Section 120.

With respect to any emission limitation or other requirement approved or promulgated by the Administrator after August 7, 1977, which is either more stringent than those in effect at that time or which establishes a requirement where none existed before, Section 120(g) of the Act provides that the effective date for noncompliance penalties will be the date that full compliance is required with such limitation or requirement (though not later than three years from such approval or promulgation, nor earlier than the effective date that noncompliance penalties begin with respect to violations of existing limitations).

Section 120(a)(2)(B) and (C) provide for exemptions from the noncompliance penalty in certain cases.[6/] However, unless one of these limited exemptions is granted, the noncompliance penalty will apply even where a compliance schedule has been imposed in a State or federal enforcement action, if the source's violation of the underlying SIP provision continues past August 7, 1979. [7/]

Marvin B. Durning

6/ The exemptions provided in Section 120(a)(2)(B) and (C) are:

a) a source converting to coal under a compliance date extension or §113(d)(5) order;

b) a source using innovative technology under a §113(d)(4) order;

c) a source issued a delayed compliance order based on an inability to comply which results from reasons entirely beyond the source's control (see discussion of "inability to comply" in Appendix A);

d) conditions which would authorize a temporary emergency suspension under section 110(f) or (g); and

e) at the Administrator's discretion, a source whose instance of noncompliance is de minimis in nature and duration.

7/ Section 120(g) provides that a violating source newly subject to an emission limit and a violating source subject to an emission limit more stringent than that in effect prior to August 7, 1977, must pay noncompliance penalties beginning either on July 1, 1979, or the date they are required to be in compliance with the new emission limit, whichever is later, but not later than three years after approval or promulgation of the new limit. The application of this "three years" language to sources covered by SIP revisions under §172 will be discussed in separate guidance.

APPENDIX A

Criteria for Approval of State Delayed Orders and Issuance of Federal Delayed Compliance Orders under Section 113(d) of the Clean Air Act

(1) Inability to comply: The delayed compliance order (DCO) must include a finding that the source is unable to comply with the SIP requirement involved.

Discussion: Under the Act, a source is not eligible for a State or federal DCO "if the delay is sought simply for convenience or for economic advantages which would accrue from delayed compliance" (1977 Senate Report at p. 46). If the source truly needs additional time to install necessary controls, make appropriate process changes, etc., the time needed to comply may be provided in a DCO in accordance with the limitations described in item (6) below. For purposes of this criterion of eligibility for a DCO, a source is eligible if it is not able to comply immediately at the time the DCO is being considered, regardless of its past history. The source's present inability to comply need not be for reasons entirely beyond the source's control to qualify it for DCO eligibility. (Past compliance efforts are relevant to the exercise of discretion to issue a DCO, even though not relevant in determining technical eligiblity.)

Care should be taken in making the determination of inability to comply. Although the standard is as stated above for purposes of determining eligibility for a DCO under §113(d), a much more stringent standard must be met for a major source to obtain an exemption from mandatory administrative noncompliance penalties under §120(a)(2)(B)(iv). To obtain such an exemption, a source must be subject to an administrative order based on its inability to comply and that inability must result from "reasons entirely beyond the control of the owner or operator of such source or of any entity controlling, controlled by, or under common control with the owner or operator of such source". The legislative history of this provision suggests that it should be read very narrowly. At the time of applying for a DCO, sources may press to obtain findings that their inability to comply is for reasons entirely beyond their control, because of the protection from Section 120 penalties such findings may afford them. However, since the standard for eligibility for a DCO appears on its face to be less restrictive than that for exemption from §120 penalties, it would be wise at this stage to avoid making any formal determination on the question of the reasons for the source's

inability to comply and to make it clear that those reasons were not relevant, nor were they considered, in determining eligibility for a DCO. (Detailed explanation of the exemptions from administrative noncompliance penalties will be included in the preamble and regulations implementing Section 120 of the Act.)

(2) Notice and opportunity for public hearing: The order must have been issued after notice to the public of the content of the proposed order and opportunity for public hearing.

Discussion: Generally, thirty days is considered adequate notice under both State and federal law. The form of notice (newspaper, State Register, etc.) is generally prescribed by State law. EPA will, at a minimum, give public notice of its proposed DCOs in the Federal Register. (Actual notice to the State of proposed DCOs will also be given.) In evaluating the approvability of State DCOs, EPA will as a minimum require that the notice be adequate under State law and that persons living in the vicinity of the source have had adequate opportunity to comment on the proposed State order. Thirty days notice will be considered adequate and will be required for EPA approval of a State DCO unless the State has obtained prior EPA approval of some other procedure consistent with 40 CFR §51.4(e).

(3) Compliance schedule: The order must contain a schedule and timetable for compliance, including increments of progress.

Discussion: Section 302(p) of the Act defines "schedule and timetable of compliance" as "a schedule of required measures including an enforceable sequence of actions or operations leading to compliance with an emission limitation, other limitation, prohibition or standard". Each increment of progress must be required to be met as expeditiously as practicable. As a minimum, the increments of progress described in 40 CFR §51.1(q) must be included or must have already been achieved. If an increment has already been achieved, the order or supporting materials supplied to EPA must attest to this fact.

(4) Interim controls: The order must contain requirements for use of the best practicable system or systems of emission

reduction (taking into account the requirement with which the source must ultimately comply) for the period the order is in effect and for compliance with reasonable and practicable interim requirements including (a) those necessary to avoid an imminent and substantial endangerment to human health, and (b) a requirement to meet the SIP, insofar as the source is able.

Discussion: As a minimum, the order must include a finding that (a) the best practicable system of interim emission reduction has been required or, in rare cases, that no system of interim emission reduction is practicable in the case at hand, and (b) that the source remains subject to enforcement of emergency provisions designed to prevent imminent and substantial endangerment to human health (under §303 of the Clean Air Act and any similar State authority). Generally, a source should be required to meet an interim emission limitation based, at a minimum, on its present emission rate. Improved operation and maintenance procedures, temporary switches to less polluting fuels, and similar specific requirements should also be considered. It may be appropriate to require that the source conduct ambient air quality monitoring and periodically reduce emissions, or even periodically shut down, when air quality is expected to contravene health related standards. A case by case determination will be necessary to support a finding on the reasonableness and practicability of interim control requirements. Ambient air quality and density of population in the area should be considered in determining what controls are reasonable. Cost and the length of delay in compliance allowed by the DCO are relevant both to the reasonableness and practicability of the interim control requirements.

(5) Monitoring and reporting: The order must include a requirement for reasonable emission monitoring and reporting.

Discussion: If the DCO will remain in effect for any substantial period of time, it will generally be reasonable to require continuous emission monitoring wherever technology exists for meeting such a requirement. The continuous monitoring of other process parameters may be appropriate in addition to or instead of continuous emission monitoring where technology is less advanced. Monitoring should normally be required for the period the DCO will be in effect. However, if EPA or the State determines that a monitoring requirement is not reasonable in a particular case, a finding to this effect must be made and included either in the DCO itself or in supporting documentation.

Where the SIP already requires continuous monitoring, the DCO need not address continuous monitoring after the final compliance date in the DCO. Where EPA intends to require continuous monitoring after the DCO's final compliance date and no independent SIP requirement exists, this may be included in the DCO but the authority of Section 114 and Section 113(a) of the Clean Air Act must be relied upon for this requirement. Whether States must also rely on their own separate reporting requirement authorities is a matter of State law. Reports must be required at times and in sufficient detail to enable the authority issuing the DCO to determine whether interim requirements, increments of progress, and final compliance have been achieved in a timely way.

(6) Final compliance: The order must provide for final compliance as expeditiously as practicable but no later than July 1, 1979, or three years after the date for final compliance specified in the SIP, whichever is later.

Discussion: Generally, the July 1, 1979, date will be controlling since it will be more than three years after the SIP compliance date. However, where the "attainment date" is later than July 1, 1976, as in areas which were subject to two year extensions under §110(e) of the Act, the SIP compliance date may be as late as mid-1977 and a DCO could extend to mid-1980.* Where an attainment date is later in

---

* In the case of particulate matter requirements for the State of Ohio, the immediately effective final compliance date of April 15, 1974 has been extended to the attainment date of April 15, 1977 for some sources, even though an extension for these sources was not formally approved by the State or EPA. The special exception for these sources is based on the unique circumstances concerning the particulate matter standards in Ohio. The EPA-promulgated particulate matter plan for Ohio was challenged in the United States Court of Appeals for the Sixth Circuit. As part of that case, EPA represented to the Court that the April 15, 1977 attainment date in the plan was based on a determination that many Ohio utilities would need a full three years from the 1974 promulgation date to comply with plan requirements. In some cases, sources relied on these representations and timely applied for State variances deferring compliance until April 15, 1977, but did not receive variances because of State inaction. For these sources, the final compliance date "specified in [the] plan" as that phrase is used in Section 113(d)(1)(D), can be considered to be April 15, 1977 for particulate matter requirements.

time than a SIP compliance date, the three year time frame permitted for final compliance in a DCO runs from the compliance date. (Note also that §113(d)(3), §13(d)(4), and §113(d)(5) specify different deadlines for compliance in DCOs issued under their terms. However, all §113(d) orders must provide for compliance as expeditiously as practicable and Congress clearly intended that violators should not be given a "free ride" up to the absolute deadlines provided by §113(d)).)

(7) Notice of possible liability for noncompliance penalties: If the order is to a major source, it must notify the source that, unless exempted under Section 120(a)(2)(B) or (C) of the Act, it will receive a notice of noncompliance and noncompliance penalties will be assessed and collected under Section 120 in the event the source fails to comply by July 1, 1979, or such later date as is provided in accordance with Section 120(b)(3).

Discussion: "A notice of noncompliance" is a term of art under Section 120 of the Act. Once such a notice is issued, the source would have 45 days to submit certain financial data for purposes of assessment of an administrative non-compliance penalty. Until the noncompliance penalty program is implemented under regulations promulgated by EPA, no "notice of noncompliance" need be included in a DCO. However, the DCO must notify the source that it will receive such a notice and will be liable for noncompliance penalties if it does not comply by mid-1979 and is not entitled to an exemption or delay in the applicability of Section 120 of the Act (or a State program thereunder).

APPENDIX B

Summary of Procedures for Issuance and Approval of DCOs

In issuing its own DCOs, EPA will follow informal rulemaking procedures. Under informal rulemaking procedures, EPA must publish, in the Federal Register, notice of its proposed DCO, soliciting public comment and offering opportunity for a public hearing. This notice may be after or simultaneous with the actual notice to the State required by Section 113(d)(1) of the Act. A thirty day comment period is generally considered reasonable and is required if notice to the State is simultaneous to Federal Register notice. After this comment period (and any public hearing), the final order must be published in the Federal Register and may, for good cause, be made immediately effective.

Informal rulemaking will also be employed for EPA's action on State DCOs to major sources and for EPA disapproval of State DCOs to minor sources. Note, however, that EPA is not required to provide an opportunity for public hearing on a State DCO. If the State does not provide opportunity for public hearing prior to issuing its order, EPA will not approve the State DCO. Final EPA action on a State DCO is required within 90 days of receipt of the order and notice of its issuance by the regional Enforcement Division Director. EPA will strive to act within this time frame in all cases.

The Division of Stationary Source Enforcement (DSSE) will establish a new Part 65 of Title 40 of the Code of Federal Regulations. EPA-issued DCOs (except §113(d)(5) DCOs to coal conversion sources)[1/] and EPA approvals and disapprovals of State DCOs will be promulgated in this Part. EPA regional offices will prepare the Federal Register documents for proposal and promulgation in accordance with guidance issued by DSSE. These documents (and necessary copies) will be forwarded, along with copies of a State DCO on which EPA is taking action, to DSSE for processing. Once DSSE has

---

1/ Section 113(d)(5) DCOs may be issued only by EPA. They will be promulgated in existing 40 CFR Part 55, "Energy Related Authority".

reviewed the documents for national consistency, they will be handcarried to EPA's Federal Register Officer for forwarding to the Federal Register (if a proposal) or to the Administrator (if a final action). (After a regional office gains experience in the DCO process, the requirement for DSSE review will be waived and DCOs will be handled in a manner analogous to "special action"/normal action" SIP revisions. In the case of "special actions", however, only Office of Enforcement concurrence will be required and the review period will be shortened to five working days from the date of receipt.)

EPA will provide whatever assistance it can to States in developing approvable State DCOs. In the early stages of the DCO program and upon request by the regional office, DSSE will also review and provide assistance on preliminary drafts of State and federal DCOs to the extent resources and other priorities permit.

PN 113-76-08-13-004

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 13 1976

OFFICE OF ENFORCEMENT

MEMORANDUM

SUBJECT: "Reviewability" of EPA Determinations in SIP Enforcement Actions

TO: Enforcement Division Directors, Regions I-X

As you know, EPA makes certain factual determinations in the course of taking enforcement action under §113 of the Clean Air Act, such as the finding of violation at the time a notice of violation is issued and the finding that the violation has extended beyond the thirtieth day after such notice as a basis for the issuance of an order or the commencement of a court action. We have recently discussed with the Office of General Counsel and the Department of Justice which, if any, of these EPA determinations are "reviewable" in a civil or criminal suit to enforce SIP provisions or in preenforcement judicial review involving SIP provisions (to the extent that preenforcement judicial review may be determined to be proper). This memorandum expresses our common understanding.

At the outset, judicial review of agency action (including any determinations on which the action is based) should be distinguished from a trial de novo on the underlying facts. Judicial review of agency action ordinarily takes place on a pre-existing administrative record and is ordinarily limited to whether the agency's action was supported by that record as judged by the applicable standard of review (e.g., the "arbitrary or capricious" test).

In a trial de novo, however, there is no pre-existing record, and every fact not stipulated or judicially noticed must be proved through the submission of evidence. In such cases, the agency's view of the facts may be persuasive, but the court (or jury) must find the facts independently on the evidence before it. Although documents and other evidence considered by the agency may be proper evidence for that purpose, new or different evidence offered by either party may also be proper. In short, trial de novo involves independent fact-finding on the basis of any evidence properly before the court (or jury) rather than "review" of the agency's determinations on the basis of an administrative record.

To the extent they are disputed, we believe most factual elements of a case involving an alleged violation of a SIP provision (or of an order based on such a violation) must be proved de novo. In particular, this conclusion includes (1) the question whether an alleged SIP violation is still occurring more than 30 days after issuance of a notice of violation and (2) if violation of an order based on such a violation is alleged, the question whether a violation of the order has occurred. On these questions, due process requires that an alleged violator be afforded an opportunity at some point to contest any disputed factual matters, and a conference under §113(a)(4) is not intended to (and generally does not) serve this purpose. 1/ Accordingly, a trial de novo is both appropriate and constitutionally required for these issues to the extent they are disputed. In such a trial, EPA's findings on the issues would be neither dispositive nor judicially reviewed. In a sense, they would simply become allegations to be proved through the submission of evidence. 2/

The extent to which the initial finding of violation that precedes issuance of a notice of violation under §113(a)(1) may be "reviewable" is less clear. The West Penn case 3/ characterizes the issuance of a notice of violation as a sort of triggering action and holds that it (and presumably its factual basis) is not reviewable. Although we agree with that holding, it may not prevail in all circuits. In any event, we believe any review (or trial) concerning the initial finding of violation should be limited to whether the finding was based on information available to the Administrator (or his delegatee) at the time and should not extend to whether such a violation actually occurred. In this regard, if the regional office has some information (regular on its face) on which its initial finding was based (e.g., smoke readings, 114 calculation, stack test), that should end the matter as to the initial finding.

This interpretation is consistent with Wisconsin's Environmental Decade, Inc. v. Wisconsin Power and Light et al., 4/ in which issuance of a notice of violation was held to be non-discretionary if the Administrator has some information upon which to base an initial finding of violation. It should be noted that information obtained in a conference under §113(a)(4) would be irrelevant on this issue because it was not before the Administrator at the time he made his initial finding of violation.

1/ For these reasons, §113 conferences should not be characterized, in opening statements or otherwise, as intended to satisfy due process requirements.

2/ Note that information obtained in a conference under §113(a)(4) (e.g., an admission of a violation) might be relevant evidence in some cases. Its admissibility would of course depend on the applicable rules of evidence.

3/ West Penn Power Co. v. Train, 522 F2d. 302 (3rd Cir. 1975)

4/ 395 F. Supp. 313 (W.D. Wisc. 1975)

This memorandum does not address the extent to which the Administrator's determination of a reasonable time for compliance as specified in §113(a)(4) is reviewable (if at all) or the proper standard of review in that instance. This issue, which is somewhat more complex, will be addressed in a separate memorandum to be issued in the near future.

If you have any questions concerning this matter, please contact Edward Reich (DSSE) at 755-2523 or Gerald Gleason (OGC) at 755-0744.

Stanley W. Legro
Assistant Administrator for Enforcement

cc: Regional Counsel
Regions I-X

The West Penn case has been cited with approval more recently in National Distillers, Etc. v Dept of Energy, 498 F Supp. 707 (D. Del. 1980) and Citizens for a Better Environment v Costle, 515 F. Supp 267 (N D. Ill. 1981).

PN 113-76-08-12-003

COPY

August 12, 1976

MEMORANDUM

SUBJECT: Enforcement of SIP's Undergoing Revision

TO: Enforcement Division Directors,
Regions I-X

Attached is a copy of a July 21, 1976, letter from the Administrator to Senator Muskie regarding the Agency's policy on enforcement while proposed relaxations of State implementation plan (SIP) provisions are pending. This letter responded to several questions raised by Senator Muskie on consistency among the Regions of EPA review and enforcement policies concerning State relaxation of sulfur-in-fuel limitations. The letter did not reflect any change in EPA policy, but I believe that it may be useful to reiterate our position on the enforcement issues.

Pursuant to Federal law and under the policy communicated to Senator Muskie, planned or submitted SIP revisions do not preclude federal enforcement of the existing regulations, and would not normally justify non-enforcement of those provisions. Air pollution sources are required to comply with existing SIP regulations, which are part of federal law, until a revision has received formal approval from the Administrator.

The submission for EPA approval of different SIP emission limitation adopted by a State may have an effect upon Regional prioritizing of enforcement activities. If a submitted revision relaxing current SIP limitations is preliminarily determined by the Region to meet the criteria specified by Section 110(a)(2) of the Clean Air Act, enforcement of the existing provision it is designed to change may have a lesser priority in an overall enforcement program. Factors involved in exercising this discretion will vary from source to source and region to region. Among these are the air quality levels of the locale affected by a source, the degree of impact of the regulated facility upon air quality, the number and kinds of facilities in the area emitting air pollutants, and the degree to which steps toward compliance with existing limitations require a substantial commitment beyond what would be required for the less stringent regulation. It should be emphasized that while, in appropriate cases, sources may not be required to install control equipment which would be unnecessary upon formal EPA approval of the

SIP revision, the pendency of a SIP revision relaxing emission limitations normally would not provide a justification for a source to increase its current emissions. EPA would take appropriate enforcement action under the existing SIP provision to maintain the level of current emissions until federal approval is forthcoming.

Thus, within the bounds of priorities set by limited resources, EPA will continue to enforce existing SIP provisions pending formal EPA approval of State revisions. The importance of consistency among the Regional Offices with respect to this policy has been stressed by both Senator Muskie and Mr. Train.

/s/

Stanley W. Legro

PN 113-76-06-25-002

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 25 1976

MEMORANDUM

OFFICE OF ENFORCEMENT

SUBJECT: Documentation of Violation Extending 30 Days Beyond Notice of Violation under Section 113 of the Clean Air Act

TO: Regional Administrators, Regions I-X

Recent discussions among representatives of the Office of General Counsel, the Division of Stationary Source Enforcement (DSSE), and the Pollution Control Section at Department of Justice headquarters have led to some clarification of EPA's responsibility for documenting a violation extending 30 days beyond the date of a notice of violation (NOV) issued under Section 113(a)(1) of the Clean Air Act. As you know, Section 113(a)(1) provides that if the violation extends beyond the 30th day after the date of the NOV, EPA may issue an administrative order or initiate a civil action. Section 113(c)(1)(A)(ii) makes similar provision for initiation of a criminal action.

It is and has been EPA's position that the issue of fact of whether a violation has extended beyond the thirtieth day is subject to de novo judicial review. (A memorandum dealing with the scope of judicial review is being drafted and will be sent to you shortly.) The Department of Justice concurs in this position and has, in addition, expressed some concern that the documentation of continuing violation on which the EPA regional offices rely may not in some cases be sufficient to support a criminal action.

We urge you, therefore, to document the continuing violation with independent evidence before issuing any Section 113 administrative order which is not on consent, rather than relying on the continuing reporting requirements of a Section 114 letter. This is critical in any case which may ultimately require criminal action and is desirable in all cases. The practice of relying on the absence of evidence of compliance after issuance of the NOV through imposing a requirement on the source to report changes in information supplied in response to a Section 114 letter is no longer acceptable. At a minimum, new opacity readings, plant visits, or §114 inquiries as appropriate should be relied upon.

If you have any questions or comments on this mattter, please contact Ed Reich, Chief, Enforcement Proceedings Branch, DSSE, at (202)-755-2523.

Stanley W. Legro

cc: Enforcement Division Directors, Regions I-X
Air and Hazardous Materials Division Directors, Regions I-X
Surveillance and Analysis Division Directors, Regions I-X

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

5 NOV 1975

MEMORANDUM

SUBJECT: Non-Discretionary Enforcement Duties--
Issuance of Notices of Violation

FROM: Director, Division of Stationary Source Enforcement

TO: Enforcement Division Directors, Regions I-X

On July 16, 1975, I forwarded to you a memorandum soliciting your thoughts on a recent Federal District Court decision (Wisconsin's Environmental Decade, Inc. v. Wisconsin Power and Light, et al., 395 F. Supp. 313 (W.D. Wisc. 1975)) in which the question of the prosecutorial discretion of the Administrator in issuing notices of violation under Section 113 of the Clean Air Act was raised. As you will remember, District Court Judge Doyle held that the act of issuing a notice of violation was "not discretionary with the Administrator" in a case where he had found a violation and that "when presented with evidence indicating that a violation may exist, the Administrator must make a finding that a violation does or does not exist."

We wish to advise you that the Agency, has decided against an appeal of the Wisconsin's Environmental Decade Case. One of the prime reasons for this action was that additional decisions have now been rendered which seem to support the original decision (e.g., West Penn Power Co. v. Train, 7 ERC 2178 (3rd Cir., July 16, 1975); Oljato Chapter v. Train, 515 F.2d 654 (D.C. Cir., July 7, 1975); but see, Sierra Club v. Train, ___F. Supp.___(N.D. Ala., September 19, 1975)). In addition, a significant majority of the regional offices indicated to us that they could implement the interpretation of the case outlined in our July 16th memorandum without undue difficulty and did not see a good reason to appeal the case. Finally, the need to appeal the case on the specific facts has been obviated by the Chicago Regional Office having made a formal finding that the subject power generating station was not a new source within the definition of the Wisconsin statutes.

It should be noted that in Sierra Club v. Train, cited above, a Federal District Court has recently held that issuance of an order pursuant to Section 309(a)(3) of the Federal Water Pollution Control Act (FWPCA) was a discretionary function of the Administrator even though mandatory language (i.e. "shall") is used. In this regard, the legislative history of FWPCA, which was the basis for the court's decision, indicates that the Congress intended that issuance of orders

under FWPCA is a discretionary function of the Administator. In contrast, the legislative history of Section 113(a)(1) of the Clean Air Act implies that Congress intended that the issuance of notices of violation be a non-discretionary function of the Administrator.

In light of the Agency's position in this matter, we believe that when a regional office is presented, for the purpose of securing EPA action, with information that establishes a substantial likelihood that a violation exists, the regional office should expeditiously undertake an investigation to determine if in fact a violation does or does not exist. Where data are submitted to the regional office for some purpose other than to force the regional office to issue a notice of violation (e.g., under regular State or local agency reporting requirements), we are of the opinion that the applicable law does not require the regional office to commence an investigation. If a regional office, after an investigation of a citizen's allegation or pursuant to its own information collecting powers, amasses data that establish a source's violation, we believe the regional office should expeditiously issue a notice of violation to the subject source. In those instances where a State has initiated and is actively pursuing enforcement proceedings against a source, however, we believe that the applicable case law does not require the regional office to issue a notice of violation to said source. (This applies only to true enforcement as contemplated in the proposed Part 65 regulations rather than State actions in the nature of variances.) Of course, this situation does not preclude the regional office from issuing a notice of violation, thereby commencing a concurrent enforcement action, if it so desires. Except for this exception, we believe the regional office must issue a notice of violation to any source where a violation of the applicable State implementation plan has been established to the satisfaction of the regional office.

Many of you have expressed to me your concern that this revised policy might force the regional offices to initiate extensive investigation and/or enforcement proceedings against non-priority sources and, as a result, create a misallocation of regional manpower resources. Although this possibility exists to some degree, we believe that the Agency has an overriding duty to at least investigate a source where a citizen presents data, regular on its face, that establish a substantial likelihood that a violation exists. Note that an allegation of violation, unsupported by any evidence, does not establish this substantial likelihood and thereby does not compel an

EPA investigation. Persons submitting allegations of violation that are either unsupported or inadequately supported by evidence should be advised by the regional office that the Agency has made a finding that inadequate evidence exists, at this time, to justify further Agency action. Of course, the regional office should invite the submittal of additional information.

Although the regional offices only have limited enforcement discretion where issuance of notices of violation is concerned, this limitation does not apply to follow-up enforcement proceedings. We believe that the Clean Air Act and its legislative history imply that issuance of administrative orders, or commencement of civil and/or criminal proceedings, are a discretionary function of the Administrator. We anticipate such enforcement discretion will provide the regional office with the necessary leeway to establish regional priorities for those cases where follow-up enforcement proceedings are necessary.

Richard D. Wilson

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 114
(VOLUME 1)

** CLEAN AIR ACT SECTION 114

* PN114-77-12-02-001A
GUIDANCE FOR SECTION 114(D) OF THE CAA

* PN114-81-05-13-002
REGIONAL OFFICE CRITERIA FOR NEUTRAL INSPECTIONS OF STATIONARY SOURCES - AMENDED GUIDANCE

* PN114-83-12-15-003
EXECUTION OF CONFIDENTIALITY AGREEMENTS UNDER SECTION 114 OF THE CLEAN AIR ACT

* PN114-84-09-06-004
FINAL GUIDANCE ON USE OF UNANNOUNCED INSPECTIONS

PN 114-84-09-06-004

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP - 6 1984

OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: Final Guidance on Use of Unannounced Inspections

FROM: Director
Stationary Source Compliance Division
Office of Air Quality Planning and Standards

TO: Air and Waste Management Division Directors
Regions II, IV, VI-VIII and X

Air Management Division Directors
Regions I, III, V, and IX

This memorandum presents final guidance on the use of unannounced inspections by EPA as a component of Regional inspection programs. Comments in response to the draft guidance issued on July 17, 1984 were received from six Regions and one State agency. Because all respondants generally supported the proposed guidance, changes to it were minimal. Those changes and comments are discussed below.

One Region felt that the tone of the guidance was too strong in encouraging the use of unannounced inspections, that under the policy "EPA is somehow required not to announce most of its inspections," and that the policy might "create unnecessary concern over what fraction of each Region's inspections is unannounced." Our strong support for use of unannounced inspections as a component of an overall inspection program, which comes through in this guidance, is based on the belief that they are more representative of normal operating conditions. While we recognize the concerns associated with use of such inspections, several Regions perform a high percentage of unannounced inspections without adverse impact on resources or EPA/State relations. However, although this guidance does encourage the use of unannounced inspections, no fractional or percentage requirements were established or implied; this judgment should be made by the Region in light of the nature of the inspections to be performed and the sources in the Region. We would expect to see some program in all Regions, however.

Another Region expressed a concern for program implementation: "We would like to emphasize the need for maximum flexibility and control to be retained by the Regional Office staff in setting up and conducting unannounced or announced inspections." We believe this guidance offers a great deal of Regional discretion in implementation of a nationally-consistent inspection program using unannounced and announced inspections. While the guidance offers direction and options, it also defers to Regional experience: As the guidance specifically notes "Regional Offices are free to vary the procedures used if they believe an alternative approach would be preferable."

One Region expressed concern that an inspection policy utilizing unannounced inspections could "damage the working relationships of inspectors and the company officials," and that "some companies will shut down or refuse entry in light of what they perceive is a change in agency attitude." While these concerns are real, Regional experience has shown that they can be minimized such that they are not an impediment to performing unannounced inspections. Most sources accept unannounced inspections and consider them little more than an inconvenience once they realize that EPA has the legal right to perform them, and will do so when appropriate. Experience indicates that companies which refuse entry to EPA inspectors are few, and that entry is usually just delayed until the company discusses the matter with Regional Counsel.

Finally, one Region requested clarification on whether the definition of an announced inspection included such activities as stack tests, CEM audits, and PSTs. We believe the definition of an announced inspection would include these types of site visits, however, Regions are free to assess these activities for announcement purposes on a case-by-case basis if that has been their previous practice.

Edward E. Reich

Attachment

cc: Air Program Branch Chiefs, Region I-X
Air Compliance Branch Chiefs, Regions II, III, V, VII, IX

Guidance On EPA Use of Unannounced Inspections For Stationary Sources of Air Pollution

The inspection is the primary compliance assurance method presently available in the air program for validating source performance. As such, the issue has been raised concerning whether or not inspections should be announced to the source in advance of the actual visit. To assist in responding to this issue, the Stationary Source Compliance Division (SSCD) surveyed (through correspondence dated January 18, 1984) EPA Regional Office practices and experience in performing both announced and unannounced inspections. Based on the information compiled through this survey, SSCD recommends that all Regional inspection programs incorporate unannounced inspections as part of their overall inspection approach. The use of this inspection type has value in obtaining data which are more representative of normal source operating conditions and can encourage continuous source compliance. Possible obstacles to the use of this type of inspection identified by some Regions have been successfully addressed by the Regional Offices which effectively carry out an unannounced inspection program and are therefore no overall bar to its use.

The SSCD survey conducted earlier this year received nine Regional responses. From these responses several observations were made. Usage of unannounced inspections is highly variable among Regions; several Regions perform them in the majority of situations while others only perform them under very limited circumstances or not at all. The most commonly cited positive aspect of performing unannounced inspection is the opportunity to observe the source under normal operating conditions, since the source does not have time to prepare for the inspection. Other positive aspects mentioned are:

- Detection of surreptitious violations;
- Detection of visible emissions and O&M type problems and violation;
- Creation of an increased level of attention by a source to its compliance status, and
- Projection of a more serious attitude toward surveillance by the Agency.

One Region found the "in violation" rate in one State in 1982 to be three times higher at sources where inspections were unannounced versus announced.

Some of the potential negative aspects of performing unannounced inspections were reiterated by several Regions:

- The source may not be operating, or key plant personnel are not available; and
- There may be an adverse impact on Regional resources or EPA/State relations.

However, as previously noted, these concerns have been addressed and were successfully resolved by Regions which make fuller use of unannounced inspections. Therefore, it was felt the cited drawbacks were more anticipated than real and could be overcome.

The conclusion drawn from this survey is that all Regions can and should perform unannounced inspections when appropriate as a component of their inspection programs. The following guidance addresses the issue of when announced or unannounced inspections are more appropriate, and provides procedures based on Regional experience which facilitate the incorporation of unannounced inspections into Regional inspection programs. Regional Offices are, however, free to vary the procedures used if they believe an alternative approach would be preferable.

Definition Of An Announced And An Unannounced Inspection

For the purpose of this guidance, an announced inspection shall mean an onsite visit where the source to be inspected is given advanced notification by the control agency of the specific date of the inspection such that enough time would elapse to permit significant source operating modifications prior to the site visit.

An unannounced inspection shall mean an onsite visit where the control agency provides no prior notification of the actual date of the inspection to the source, or where notice is given shortly before the inspection such that the representativeness of the source operation is not likely to be affected.

Advanced notification of both announced and unannounced inspection dates shall be provided to the State or local control agency. In this regard, please note the requirements of Section 114(d) of the Clean Air Act relative to notice to States.

Announced Inspections

EPA is not required by federal regulation to announce the date of an impending inspection to the source. Therefore, announced inspections should be performed by EPA and its' representatives when some specific purpose is served by providing such notice. Situations where announced inspections would be appropriate are:

- When specific information is being sought which must be prepared by the source, or where the source must make significant accommodations for the inspector to gather the information;
- When the assistance of specific plant personnel is necessary for the successful performance of the inspection, i.e., the information they provide can not be obtained from other on-duty plant personnel or by a follow-up information request;
- When inspecting government facilities or sources operating under government contract where entry is restricted due to classified operations; and
- When inspecting un-manned or extremely remote sources.

Questionable operating status of a source or process generally does not preclude utilizing an unannounced inspection. When daily operating status is questionable, the inspector may confirm it with the source just prior to leaving for the inspection. The inspector may also wish to consult with the State or local agency to obtain any current information they may have about the source's operational status.

Unannounced Inspections

Unannounced inspections will provide the most representative picture of normal source operation and practices. They should be performed whenever there is no reason for announcing the inspection to the source as described previously.

As an alternative to arriving at the source totally unannounced, if in the inspector's judgment the representativeness of the source operation would not be altered and the success of the inspection would be improved by contacting the

source shortly before the scheduled inspection time, this may also be considered unannounced. If this latter method is used, the amount of advanced notice given the source should be noted in the inspection report.

Inspection Announcement Responsibility

When EPA accompanies a State or local agency in conducting an inspection, or where EPA is requested by a State to assist in compliance monitoring and enforcement at a source, the decision regarding inspection announcement should defer to the preference of the State or local agency. When the State or local agency accompanies EPA on an EPA-initiated inspection, inspection announcement shall be the responsibility of EPA and the State or local agency should be so informed.

Inspection Announcement Protocol

The decision on inspection announcement to the source and the name of the responsible individual should be noted in the inspection report. The State or local agency should be given a minimum of five working days notice in advance of an inspection, whether it is announced to the source or not. An exception to this minimum time period would be when the inspection is scheduled in response to an emergency situation which does not allow such advanced notice. In cases where EPA has a reasonable basis for believing the State or local agency will notify the source of the inspection, no notification is required. If the source is to be given advance notice of an inspection date, it should be afforded a minimum of five working days notice, but no greater than that given the State or local agency. This latter point will assure that the State or local agency is always notified before notice is given to the source.

When announcing an inspection to the source, advanced notice may be given by telephone or in writing. Instances where written notification (instead of oral) is appropriate are:

- When requested by the State/local agency or by the source;
- When extensive or specific records are being sought,
- When the inspection is to be performed solely by an EPA contractor;
- When inspecting government facilities with classified operations or otherwise restricted entry; and
- Special-purpose inspections, e.g., to establish conditions for a source-specific SIP revision.

If notice is given orally, the date of the telephone call and the person contacted should be noted in the inspection report. A copy of any written notification should be attached to the inspection report.

Unannounced Inspection Implementation

State and local agencies should be notified by EPA that unannounced inspections are a component of EPA source inspection programs, and that they will be performed.

A pre-inspection review of all pertinent sources of information on the source should be made (or intensified) to avoid any preventable inconvenience to the source as a result of the inspection. This should include contact with the State or local agency to obtain any additional information which they may have.

Sources may be contacted as necessary, and notified that an unannounced inspection will be performed during a specified time period (e.g., quarter or fiscal year) and that they should notify EPA if key plant personnel or processes will be unavailable for known extended periods. Portable sources, such as asphalt concrete plants, may be required, pursuant to Section 114 to report their scheduled location(s) on a monthly or quarterly basis, if questionable source location is an impediment to performing unannounced inspections.

PN 114-83-12-15-003

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 15 1983

OFFICE OF
AIR, NOISE, AND RADIATION

SUBJECT: Execution of Confidentiality Agreements under Section 114 of the Clean Air Act

FROM: Sheldon Meyers
Joseph A. Cannon, Assistant Administrator
for Air and Radiation (ANR-443)

TO: Office Directors
Regional Administrators

The purpose of this memorandum is to review aspects of existing regulations and procedures with respect to agreements relating to confidential treatment of information claimed to be trade secret.

Obtaining the information needed for rulemaking and other activities of this office is essential to carrying out the responsibilities which have been assigned to it. Section 114 provides EPA with authority to obtain the needed information. In the past, we have generally sought to obtain the necessary information by requesting it in a "Section 114" letter or by entering appropriate facilities. We have sought, wherever possible, to obtain responses to such letters and to arrange such entry on a consensual basis, i.e., to avoid the necessity to use the enforcement mechanisms provided by Congress.

For that reason we have generally sought, and will continue to try, to respond favorably to reasonable company requests for clarification or explanation of information requests, for additional time, or for use of some more convenient and equally useful form or manner of response. We have also established, by regulation and by contract provision, reasonable safeguards, deterrents and sanctions against the improper disclosure of information claimed to be trade secret, including the debarment of contractors (whether or not such contractors have been designated EPA representatives) and the constituting of sources as third party beneficiaries of the terms of EPA contract provisions relating to handling of such information, 40 CFR Part 2, 41 CFR 15-1.350-1, 15-1.350-2. These protections and remedies are additional to the protections and remedies afforded by other provisions of law, e.g., common law and State criminal law.

The EPA and duly designated EPA representatives have found that many companies are willing to assist us in carrying out our responsibilities, in part because they recognize that they have a stake in ensuring that EPA has timely, adequate, and accurate information. In recent years, however, EPA and its representatives have also experienced increased difficulties in obtaining companies' early and voluntary cooperation.

A common--and increasingly frequent--source of delay and difficulty in obtaining needed information has been company requests that EPA or an authorized contractor representative sign agreements relating to confidential treatment of claimed trade secret information.

This office has not always been informed of such requests nor of the nature of contractor-representatives' response to them. Requests which have been reviewed by this office and, in recent years, by the Office of General Counsel, have often been found to be inconsistent with applicable statute and regulations. Common features of such agreements have been some prejudgment as to what information constitutes nondisclosable trade secret information; reservation of some right for the company to determine what information will be provided or what part of a facility EPA or its representative may enter; reservation of some right for the company to review and edit the work of EPA officers or representatives; and provision which purported expressly or implicitly to authorize enforcing the terms of a nondisclosure agreement itself against individuals or the U.S. Government. These and other features unacceptable to EPA have all too often resulted in lengthy and fruitless discussions with company representati

Although companies may not set conditions on their compliance with Section 114 requests, we are willing as a matter of policy to execute a standard-form memorandum where a company indicates its desire for one. Boiler-plate memoranda of this type have been used for several years. We are willing to execute such a document in part because the document is standardized and in part because its provisions are considered as protective of the company as possible under applicable statute and regulation, see 40 CFR 2.215. Execution of such a document, therefore, does not consume time and resources and, on balance, can expedite our work.

In light of this experience, this memorandum will confirm that neither EPA nor its authorized representatives may sign any confidentiality agreements or other document except the attached memoranda which (together with any nonsubstantive variations needed to adapt them to different contexts) this office believes adequate for all reasonable purposes.

2 Attachments

NOTE: Attachments are not included but can be made available upon request.

PN 114-81-05-13-002

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D C 20460

MAY 13 1981

OFFICE OF ENFORCEMENT

MEMORANDUM

SUBJECT: Regional Office Criteria for Neutral Inspections of Stationary Sources---Amended Guidance

FROM: Director
Division of Stationary Source Enforcement

TO: Enforcement Division Directors
Regions I-X
Surveillance & Analysis Division Directors
Regions I-X
Air & Hazardous Materials Division Director
Region II

We have reviewed the neutral inspection schemes voluntarily submitted to us by several Regional Offices in response to the general guidance we issued on October 29, 1980. While the Regional criteria we have examined so far seem to track that general guidance, there are some problems remaining in these Regional schemes. This memorandum is intended to isolate and clarify these problems, as well as to make some amendments to the general guidance as suggested by some of the Regional drafts.

The purpose of having a neutral inspection scheme on file in each Regional Office is to enable the Agency to justify to a court a request for a warrant to conduct a compliance inspection in the absence of evidence that a particular source is violating the Clean Air Act. This type of inspection is usually conducted as part of each Region's annual Overview Inspection Program, but might also be applicable to routine inspections of NESHAPS sources, NSPS sources, and any other sources for which the Agency has primary enforcement responsibility (e.g., PSD sources or sources subject to New Source Review, where such programs have not been delegated to the States) and which must be inspected annually.

One of the questions raised by our general guidance was the characterization of the criteria for selection of sources to be inspected. Several factors were listed as Optional Criteria. By this description, we did not mean to infer that these factors could be ignored in the selection process. Rather, we intended that a source to be inspected must meet not only the criteria labeled Mandatory, but also at least one of those termed Optional. To take the selection process through only the Mandatory Criteria would leave too much latitude in source selection in violation of principles enunciated by the Supreme Court in the 1978 Barlow's Decision. We are therefore amending the general guidance to

relabel the selection criteria as Primary and Secondary, with both sets of criteria to be applied to each source chosen for inspection. Every source inspected must meet the Primary Criteria and at least one of the Secondary Criteria. Authorization for inspection of NESHAPS sources, which had been set forth separately, is now subsumed in this characterization. At the suggestion of Regional staff, we have also expanded the list of Secondary Criteria. Additionally, in order to account for the presence of fugitive emissions, we have amended Secondary Criteria #7 to include sources with process equipment requiring particularly good operation and maintenance procedures in order to maintain compliance.

It should be remembered that the purpose of a written neutral inspection scheme is to provide authorization for routine compliance inspections. Any source not covered in the scheme cannot be inspected, absent suspicion of a violation of the Clean Air Act. Therefore, an additional problem in some of the Regional drafts is the utilization of source categories to select sources for inspection. The drawback in this system is that a Region might wish to inspect a source long overdue for a routine inspection but be unable to do so because the source is in a category not covered by the neutral inspection scheme. There is also the possibility that categorization will exclude various significant lead, NSPS, or NESHAPS sources.

Please review your neutral inspection schemes once again to see if they fit within the attached amended general guidance. Feel free to call Mark Silvermintz of my staff at FTS 755-2570 if you have any questions.

Edward E. Reich

Attachment

cc: Richard D. Wilson
Acting Assistant Administrator
for Enforcement

David E. Menotti
Associate General Counsel
for Air, Noise, and Radiation

CRITERIA FOR SELECTION OF STATIONARY SOURCES
FOR ROUTINE COMPLIANCE INSPECTIONS

I. Sources subject to State Implementation Plans (including provisions approved or promulgated under 40 CFR §51.18 and Parts C and D of Title I of the Clean Air Act), or §111 of the Act (NSPS) or §112 of the Act (NESHAPS).

A. Primary Criteria

1. In selecting a stationary source for a compliance inspection, the source should be one which:

a. Emits an air pollutant subject to the Clean Air Act and the regulations promulgated thereunder, and for which:

1. The actual emissions or potential emissions while operating at design capacity with pollution controls are equal to or exceed 100 tons per year of the regulated air pollutant (Class A1 sources), or

2. The uncontrolled emissions while operating at design capacity are equal to or exceed 100 tons per year of the regulated air pollutant (Class A2 sources); or

b. Emits less than 100 tons per year of a regulated air pollutant in the absence of pollution controls (Class B sources) and which may contribute to nonattainment of an ambient air quality standard for that pollutant; or

c. Emits lead; or

d. Is subject to a NSPS or NESHAPS.

2. The source should also be one which:

a. Was reported within the preceding year by a State or local agency as being in compliance with applicable emission limits; or

b. Was either not inspected by a State or local agency or by EPA during the preceding year, or was subject to an inconclusive inspection during the preceding year.

B. Secondary Criteria

The following criteria (at least one) should be used in selecting facilities for inspection from among those which meet the Primary Criteria (and may be used by each Regional Office in any order it chooses and in a manner best suited to its resources, workload, manpower, and area of geographic responsibility):

1. Source emits a criteria pollutant and is located in a nonattainment area for that pollutant, or in an area unclassified for such pollutant;

2. Source has a significant impact upon local ambient air quality or emits a hazardous air pollutant;

3. Source is located in an urban area where there is greatest exposure of population;

4. Source has a history of violations and now is reported as in compliance;

5. Source has had frequent changes in compliance status;

6. Source has undergone process changes subsequent to its most recent inspection or has commenced initial operation;

7. Source requires particularly good operation and maintenance of pollution control or process equipment in order to maintain compliance;

8. Source is located near other sources which have been scheduled for inspection at approximately the same time in accordance with this Criteria for Selection of Stationary Sources for Routine Compliance Inspections or under probable cause to believe the source is in violation of the Clean Air Act;

9. Source was subject to a prior compliance test, inspection or information request which produced inconclusive data concerning its compliance status.

PN 114-77-12-02-001A

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 2 1977

OFFICE OF ENFORCEMENT

MEMORANDUM

SUBJECT: Guidance for Section 114(d) of the CAA

FROM: Director, Division of Stationary Source Enforcement

TO: Enforcement Division Directors, Regions I-X
Surveillance and Analysis Division Directors, Regions I-X
Air and Hazardous Materials Division Directors, Regions I, III-X
Facilities Technology Division Director, Region II

Attached is the final guidance package on Section 114(d) of the CAA. This guidance incorporates comments solicited by DSSE in my September 9 memorandum. It should be remembered that this guideline only covers the provision for notifying the States pursuant to the requirement. Even though most regions are currently practicing some form of this guideline, it should be implemented immediately.

Guidance on suspension of such notification should EPA believe that the State agency is informing the subject facilities is forthcoming. Any occurrences of this nature should be brought to the attention of the DSSE technical advisor for your region.

Attached under separate cover are the regional comments on the interim guidance and DSSE's response. I would like to thank all those participating for their comments.

Edward E. Reich

cc: Richard Wilson
Walt Barber
Richard Rhoads
Donald Goodwin

Guidance on the Use of Section 114(d):
Notice to the State in Case of Certain Inspections.

Introduction

The purpose of this guideline is to provide general policy on implementing the requirements of Sec. 114(d) for enforcement purposes. This guideline only covers the provisions of notification to the State agency of an EPA entry, inspection or monitoring. Future guidance will be provided for suspension of this notice should EPA believe that the State agency is informing subject facilities.

This guideline should be used in conjunction with S.12 "General Policy on the Use of Section 114 Authority for Enforcement Purposes".

Requirements of §114(d)

New subsection 114(d) adds an additional requirement to the process of carrying out Section 114(a)(2) of the CAA. Section 114(a)(2) establishes right of entry for certain purposes and the right of the Administrator to sample emissions. Section 114(d) provides that the Administrator (or his representatives*) shall provide the State air pollution control agency with "reasonable prior notice" before carrying out Section 114(a)(2). It also requires EPA to indicate the purpose of the activity.

Implementation

The Regional office should first establish contact with the directors of State agencies to formulate a mutually agreed upon procedure for implementation of this new requirement. This procedure should include:

Name of person(s) to be notified
Means of notification (telephone or written)
Lead time prior to any EPA field investigation
(reasonable prior notice)
Policy of notifying the state of unscheduled inspections
Extent of the stated purpose of the visit

*The term "representatives" includes specific regional office and headquarters personnel and contractors with credentials under EPA contract.

In establishing these procedures with the State agencies it is suggested that the following guidance be implemented.

Reasonable prior notice is interpreted as an official notification to the State agency that EPA is planning to conduct a surveillance action at a source and the purpose of that activity. It is recommended that all notifications be made within the 30 day period prior to the field activity; with 48 hours being the minimum notification period under normal circumstances. This is to provide sufficient travel time for EPA personnel and State personnel should the state choose to attend. An exception to the 48 hour notice would be a Section 303 situation where an emergency requires immediate attention. In such cases, the State agency should immediately be informed by phone that an action is needed.

In cases where the region practices the policy of notifying states of inspections 2-3 months in advance with a request that they be contacted if state personnel wish to accompany them, a confirmation of only those state accompanied inspections should be made. A phone call a few days before the inspection is sufficient. An effort should also be made to minimize changes in this advanced notification schedule.

The means of notifying the States can be in the form of written or oral communication. A record of all written or oral notifications should be kept. This should include a record of unscheduled inspections and Section 303 actions. The record of the written or oral notification should consist of:

(1) name and location of subject facility
(2) date and approximate time of the activity
(3) Regional office contact (phone number, etc.)
(4) reason for the visit
(5) name of State person contacted
(6) date and time of notification

Each office should have a central file containing records of all notifications should a request for a list of all notifications be made. It is not necessary for the State to approve the inspection before EPA proceeds.

As stated in the amendments, all sources covered by an approved SIP or those under a State 113(d) order are subject to these requirements. Surveillance of those sources that are subject to EPA promulgated regulations do <u>not</u> require advance notice by EPA. In reality, few sources will fall into this latter category. If the region adheres to EPA policy, all emission points at a source should be inspected. In doing so it is likely that certain points will be subject to SIP regulations; therefore, subject to the notification requirements. It is recommended that States be notified of all EPA field actions, including those concerning non-state

regulations unless good cause exists not to do so. Written inquiries to sources under Section 114(a)(1) do not require advance notice to the State.

Enforcement Procedures

It is the intent of this additional section to increase State/EPA cooperation and, as such, it must be fully complied with. However, as stated in Sec. 114(d) (2), failure by EPA to notify the State of any entry, inspection or monitoring will not prejudice any case involving information obtained during such an activity and will not constitute grounds for objection by the source.

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 115
(VOLUME 1)

** CLEAN AIR ACT SECTION 115

* PN115-78-01-31-001
ACCOUNTING FOR POLLUTION ACROSS INTERNATIONAL BOUNDARIES

* PN115-78-03-20-002
INTERNATIONAL POLLUTION (EL PASO/JUAREZ)

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 115
UPDATE NUMBER 8
(VOLUME 1)

** CLEAN AIR ACT SECTION 115

* DOCUMENT NUMBER: PN115-78-01-31-001
ACCOUNTING FOR POLLUTION ACROSS INTERNATIONAL BOUNDARIES

* DOCUMENT NUMBER: PN115-78-03-20-002
INTERNATIONAL POLLUTION (EL PASO/JUAREZ)

MAR 20 1978

SUBJECT: International Pollution (EL Paso/Juarez)

FROM: David G. Hawkins, Assistant Administrator DH
for Air, Noise, and Radiation

PN-115-78-03-20-002

MEMO TO: Adlene Harrison
Regional Administrator, Region VI

The purpose of this memorandum is to communicate the policy applicable to the El Paso/Juarez situation referenced in your recent memos on this subject. The policy does not shelter the El Paso area from imposition of the Clean Air Act (CAA) sanctions, but at the same time increases the probability of the El Paso area being able in 1979 to demonstrate the potential for attainment of the ambient standards.

A portion of El Paso County has been designed, pursuant to Section 107 of the CAA, nonattainment for particulate matter. Such a designation automatically invokes the requirement of Section 172 to submit a State implementation plan (SIP) revision which, among other things, demonstrates attainment of the ambient standards by 1982. Consequently, the area cannot avoid the imposition of sanctions unless an acceptable SIP revision is submitted.

Neither the CAA amendments nor current Agency policy provides relief from the impact of emissions from existing stationary sources located in foreign nations. Such a problem is best solved, however, by an interim policy which allows control agencies developing strategies for attaining ambient standards in nonattainment areas to assume that foreign sources will be controlled sufficiently to attain standards at the border by 1982. Since such a policy must have a foundation, it will be necessary to initiate bilateral diplomatic actions to realize the assumption that ambient standards will be attained at the border (i.e., that actual emission reductions will take place).

It must be noted, however, if the reductions agreed upon through negotiations do not materialize, those sources located in the United States will have to be controlled to a greater degree in order to realize attainment. Futhermore, for the above approach to be truly effective, the State of Texas must make a good faith effort to further reduce pollution originating in this country and impacting air quality levels in Mexico. Specifically, progress must be made on controlling air pollution from the El Paso smelter . In this context, I believe that the agreed judgement and order of injunction issued by the 41st District Court in El Paso in the case of the City of El Paso and the State of Texas vs. ASARCO. Incorporated will provide substantial controls at the smelting facility in the near future. It is imperative, however, that compliance by ASARCO with this court order be closely monitored and if the court ordered controls are insufficient to insure the attainment of the standards, additional controls will be required.

cc: M. Durning
J. Berstein
A. Popkin
R. Wilson
Director, Air and Hazardous Materials Divisions, Regions I, III-X

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: 31 JAN 1978

SUBJECT: Accounting for Pollution Across International Boundaries

PN-115-78-01-31-001

FROM: Walter C. Barber, Director
Office of Air Quality Planning and Standards

TO: David G. Hawkins, Assistant Administrator for Air and Waste Management

In response to your memo of December 23, 1977, concerning the impact of pollution originating in foreign nations, I offer the following comments.

The issue of exempting fugitive dust and stationary source emissions originating across international boundaries is partially addressed by the Agency's current policy on fugitive dust. Such policy dictates that control programs in rural areas affected by fugitive dust should at this time center on the control of large existing man-made fugitive dust sources which in themselves are presently causing violations of the national ambient air quality standards (NAAQS) or are sources of a known toxic or hazardous material. This policy has universal application in that it does not distinguish between fugitive dust originating in the United States and that originating in areas outside of this country. Consequently, if the El Paso/Juarez area meets the criteria set forth in the fugitive dust policy, the nonattainment analysis for that area can discount that portion of emissions from Mexico, as well as from the United States, which are attributable to natural fugitive dust sources.

Neither the Clean Air Act Amendments nor current Agency policy, however, provides relief from the impact of emissions from existing stationary sources located in foreign nations. Congress did recognize that relief may be required in areas along international boundaries with respect to new sources and the prevention of significant deterioration. Specifically, the Amendments permit a Governor to set aside the increase in concentrations attributable to new sources outside the United States over the concentrations attributable to existing sources which are included in the baseline concentration.

I believe the best interim policy to resolve this problem is one which will allow control agencies developing strategies for attaining ambient standards in nonattainment areas to assume that foreign sources will be controlled sufficiently to attain standards at the border by 1982.

In addition, the United States should initiate bilateral diplomatic actions to obtain reductions necessary to attain standards at the border.

In the long term, if reductions are not actually obtained, a policy change or Clean Air Act amendment would be required.

cc: Marvin Durning
Mike James
Jack Thompson

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 120
(VOLUME 1)

** CLEAN AIR ACT SECTION 120

* PN120-80-09-12-001
PRIORITIES FOR ISSUING NOTICES OF NONCOMPLIANCE

* PN120-81-02-12-003
IMPLEMENTATION OF NONCOMPLIANCE PENALTY PROGRAM UNDER SECTION 120 OF THE CLEAN AIR ACT

* PN120-81-04-02-004
SETTLEMENT OF NONCOMPLIANCE PENALTY ASSESSMENTS UNDER SECTION 120 OF THE CLEAN AIR ACT, AS AMENDED

* PN120-81-04-30-005
ISSUANCES OF NOTICES OF NONCOMPLIANCE UNDER SECTION 120 OF THE CLEAN AIR ACT TO SEASONAL SOURCES

* PN120-85-03-19-006
PERMISSIBLE GROUNDS FOR SETTLEMENT OF NONCOMPLIANCE PENALTIES UNDER SECTION 120 OF THE CLEAN AIR ACT

* PN120-85-03-19-007
GUIDANCE CONCERNING IMPLEMENTATION OF SECTION 120 OF THE CLEAN AIR ACT IN FISCAL YEAR 1985

PN 120-85-03-19-007

Kitte

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 19 1985

MEMORANDUM

SUBJECT: Guidance Concerning Implementation of Section 120 of the Clean Air Act in Fiscal Year 1985

FROM: Courtney M. Price
Assistant Administrator for Enforcement and Compliance Monitoring

Charles Elkins, Acting Assistant Administrator for Air and Radiation

TO: Regional Administrators, Regions I-X
Regional Counsels, Regions I-X

We encourage you to continue your efforts to invigorate the §120 program. This memorandum provides guidance with respect to issues which have arisen during implementation of the §120 program in the 1984 fiscal year, and encourages continued use of this valuable administrative remedy.

I. Progress Made in FY 84; Further Activity Needed in FY 85

Our efforts met with encouraging results last fiscal year. EPA Regions brought a slightly greater number of §120 actions in those twelve months than they had in the nearly three years from the institution of the program in January 1981, through September 1983. Moreover, approximately 65% of the FY 84 actions were brought in the last two quarters of the fiscal year.

We appreciate your help in giving increased attention to the §120 program. Although it is not practical from a resources standpoint to issue §120 Notices of Noncompliance ("NONs") to every noncomplying air source, it is essential that we continue to broaden §120's coverage. Congress passed this provision in 1977 specifically to create a tough administrative mechanism to deprive as many noncompliers as possible of the economic benefit of their violations. In addition, EPA's

June, 1984 guidance on "Timely and Appropriate" enforcement actions for significant air violators requires the imposition of sufficient cash penalties for significant violators. A §120 action could be particularly appropriate in those cases where a state has achieved sufficient injunctive relief but failed to impose adequate penalties. We urge each Region to continue to work to fulfill Congress' intent and to make effective use of the §120 program in FY 85.

II. Section 120 Actions Equivalent in Stature to §113 Civil Referrals

There still seems to be some confusion over what level of recognition §120 actions receive in Headquarters. For FY 85, the Strategic Planning and Management System ("SPMS") will formally track those enforcement actions that were tracked in the special enforcement reports system instituted by then-Deputy Administrator Alm during FY 84. Each quarter, OAR will report to OECM the number of §120, §113(a), §113(d), and §167 orders issued by the Regions. (EPA civil referral data will be taken from OECM's Docket system.) OAR & OECM will track §120 NONs separately from all other administrative actions in order to maintain in FY 85 the high level of attention given to §120 during the past fiscal year.

III. Authority for Settlement of §120 Actions

A respondent in a §120 action must make an election, within 45 days of receipt of an NON: he may 1) calculate and agree to pay a noncompliance penalty, or 2) submit a Petition for Reconsideration, which typically will trigger an administrative hearing.

Limited authority does exist for EPA to settle §120 actions prior to and in lieu of a formal adjudicatory hearing. The sole factor which may be considered in reducing the calculated penalty figure for purposes of settlement is the Agency's projected probability of success in prevailing in a hearing. The smaller the probability of EPA success, the greater reduction available to EPA to settle the action.

We have attached for your reference a revised version of EPA's §120 settlement guidelines governing permissible grounds for settlement, which were first issued in October 1980.

IV. Credits Not Available Under §120

In memoranda of October, 1980, and April, 1981, the then-Office of Enforcement issued guidance which stated that Regions had the authority to accept, as part of a §120 settlement, the use of "credits." Such credits represented

set-offs from the calculated §120 penalty for costs borne by the respondent for environmentally beneficial projects beyond those required to comply with the law. Criteria for acceptable credit projects were borrowed from the former general Civil Penalty Policy of July, 1980.

We have decided to eliminate this rarely-used authority for credits under the §120 program. Reevaluation of the language and objectives of §120 convinces us that credit projects do not comport with Congress' intent in enacting the noncompliance penalty program.

We have also included a discussion of the bases for this change in the attachment.

V. Parallel §113 and §120 Actions

We reemphasize here the importance of thoughtful case selection in your §120 program. (See guidelines for same in memorandum of July 12, 1984 on §120.) We recognize that there may exist rare situations where reasonable litigation strategy would call for prosecuting both a §120 action and a §113 action against the same source for the same violation. A court action seeking injunctive relief may, for example, be necessary if a §120 Notice of Noncompliance fails to spur efforts to install controls. As a rule, however, parallel filings pose a substantial risk of wasting enforcement resources at EPA, the Department of Justice, or both, particularly where the case ultimately is fully resolved pursuant to only one of the provisions. In the vast majority of cases, diligent, aggressive prosecution under only one section should result in a timely and appropriate resolution of the action. We therefore discourage parallel filings except in the exceptional case.

Note that, while this policy is intended to discourage parallel filings, it is not our intention to discourage parallel issuances of §113 NOVs and §120 NONs in those cases where considered litigation strategy calls for it. Parallel issuances may be appropriate, for example, where the Region fully intends to conclude a SIP case by a §120 action alone but considers it prudent to preserve the option of utilizing a §113 action; the latter, of course, requires EPA to prove that the violation has continued for more than 30 days following the issuance of a §113 NOV.

VI. Consultations Required

Regions are reminded that they must consult with Headquarters (OECM and SSCD) prior to issuing an NON*/ (Del. 745), and prior to extending a settlement offer (Del. 7-41-A). So as to maintain Headquarters' close monitoring of §120 actions, please also notify the Headquarters liaison attorney as to the final date of disposition of the case, and the penalty amount assessed.

VII. Enforcement Docket System Reports

In a continuing effort to track §120 cases more closely, we propose soon to initiate a computer system to follow all §120 actions. The computer reports will be updated monthly by appropriate Regional and Headquarters attorneys, and will be similar in look and scope to those reports already utilized for §113 civil air actions. We expect to send out final guidance on this system within the next 2-3 months.

Attachment

---

*/Headquarters has waived this requirement for Region II, because of its effective use of the §120 program.

cc: Air and Waste Management Division Directors
Regions II and VI

Air Management Division Directors
Regions I, III, V, and IX

Air, Pesticides and Toxics Management
Division Director, Region IV

Air and Toxics Management Division Directors
Regions VII, VIII and X

Regional Counsel Air Enforcement
Contacts

PN 120-85-03-19-006

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 19 1985

MEMORANDUM

SUBJECT: Permissible Grounds for Settlement of Noncompliance Penalties Under Section 120 of the Clean Air Act

FROM: Courtney M. Price
Assistant Administrator for Enforcement and Compliance Monitoring

Charles Elkins, Acting Assistant Administrator for Air and Radiation

TO: Regional Administrators, Regions I-X
Regional Counsels, Regions I-X

Attached for your information and use is the revised §120 policy governing permissible grounds for settlement. This document supersedes the October 30, 1980 memorandum which previously regulated this subject. You will note that the sole determining factor in calculating the proper minimum settlement amount is the probability of success of the Agency in prevailing in an administrative hearing under Section 120 were one to be held. This includes a consideration of the likelihood of proving a violation and, in a limited number of cases, the probability of refuting a claim for an exemption where the Agency does not believe one is warranted.

We have attempted to make the policy as easy to administer as possible. While there is a requirement for Headquarters concurrence to ensure national consistency, it should not prove onerous. Regions need only obtain the concurrence of the Director of the Stationary Source Compliance Division and the Associate Enforcement Counsel for Air, or their designees. Moreover, concurrence is required only with respect to the general range of penalty reduction sought; the Regional Administrator is free to select any precise reduction percentage within the reduction range which he or she determines is appropriate without the need for further concurrence. As with the civil penalty policy, this process establishes a minimum settlement figure only; it does not compel the Agency to settle at that figure.

The attached policy would be applicable to any State to which EPA delegates Section 120 authority. The precise nature of any State-EPA coordination would be addressed in the particular State delegation notice.

Credit Authority Withdrawn

This revised settlement policy also deletes authority for EPA to accept "credits" as part of a §120 settlement. Credits represented set-offs from the calculated §120 penalty for costs borne by the respondent for environmentally beneficial projects beyond those required to comply with the law. Authority for credits had been provided both in the October 30, 1980 memorandum and in one of April 2, 1981. (The April 2, 1981 memorandum also provides guidance on several aspects of §120 settlements other than credit projects; the settlement policy issued today has no effect on the April 2, 1981 memorandum other than to delete its authority to use credits.)

Based on a reevaluation of the language and objectives of §120, we are convinced that credit projects do not comport with Congress' intent in enacting the noncompliance penalty program. Congress' purpose was to craft a simple administrative tool with which EPA could speedily recapture in toto the economic benefits derived from respondent's noncompliance. In stark contrast to §113 civil actions, Congress prescribed in §120 an unadorned arithmetic calculation as the sole determinant of the penalty amount and directed that "all penalties [so] assessed . . . be paid to the United States Treasury."

As a matter of policy, credit projects are inconsistent with the objectives of §120. Section 120 contemplates speedy penalty assessments and payments. The noncomplier is expected to pay in full, and quickly. Credit programs, on the other hand, often consist of drawn-out projects and expenditures; the result may be that respondent can draw out his credit expenditures many months or even years beyond the date he would have had to pay that same amount if instead it had been styled a penalty.

Section 120 is in its essence a mechanism to recoup the economic benefits of noncompliance. We encourage negotiation of acceptable compliance schedules to accompany the penalty payment, but it is the penalty payment itself which serves as the primary thrust of the program.

Elimination of this credit authority should have little impact on Regions in an operational sense. Our discussions with Regions have revealed that the Regions have exercised it only infrequently, and have found that negotiating credits can absorb substantial resources which are better expended elsewhere in the Regional enforcement program.

Thank you for your continuing support in this most important §120 program. If you have any questions about the settlement policy or this memorandum, you may wish to contact Laurence Groner, an attorney in the Air Enforcement Division of OECM, at FTS 382-2820.

Attachment

cc: Air and Waste Management Division Directors
Regions II and VI

Air Management Division Directors
Regions I, III, V, and IX

Air, Pesticides, and Toxics Management
Division Director, Region IV

Air and Toxics Management Division Director
Regions VII, VIII, and X

Regional Counsel Air Enforcement
Contacts

SECTION 120 SETTLEMENT POLICY

I. Determining Probability of Success in the Administrative Hearing

EPA's probability of success in prevailing in an administrative hearing will determine the minimum amount acceptable for settling a §120 case. Where that probability is low, the penalty can be greatly reduced. Where that probability is high, there is less reason to reduce the penalty. Legal issues which will be determinative in a noncompliance penalty case are generally the same ones which affect the outcome of any enforcement case where EPA has to demonstrate that the source is not in compliance with its emission limits and the source defends against the allegation.

In most cases the range of probability that EPA will win a case can be estimated as between 30 to 90 percent. If the probability is below 30 percent, it is unlikely that EPA would pursue the case. Conversely, even when all the legal issues are favorable to EPA, it is unlikely that EPA's probability of success would be much greater than 90 percent. This produces a 60% range within which noncompliance penalties can be decreased during the settlement process.

To foster national consistency, the reduction range will be divided into four categories. The Regional Administrator will determine a baseline penalty figure for settlement negotiations. Concurrence from the Director of the Stationary Source Compliance Division and the Associate Enforcement Counsel for Air Enforcement, or their designees, will be required on the category from which the settlement figure is to be drawn and the concomitant reduction range. Once a range is agreed to, the Regional Administrator is free to select the precise reduction percentage within that range which he or she feels is appropriate without further concurrence.

Category	Probability of Success	Reduction Range
A	90% to 75%	10% to 25%
B	74% to 60%	26% to 40%
C	59% to 45%	41% to 55%
D	44% to 30%	56% to 70%

While the determination of the category into which a case would fall is by its nature somewhat subjective, the following analysis will serve as guidance. A Section 120 case will usually have more than one major legal issue. Whether the probability of success is judged to be high or low will depend on the number of issues and on their cumulative impact on EPA's case. Often, however, the major issue least favorable to EPA would govern the category into which the case falls. If all of the legal issues are favorable to EPA it could be determined that EPA had a high probability of success, falling within the 90 to 75 percent range, or category A. A case placed within the 60 to 74 percent range, in general, would have at least one major issue with strong arguments on both sides, but the outcome of that issue (and the case) would be weighted to EPA's advantage. Generally, for a case to be placed in category C, at least one major issue would have strong arguments on both sides but the possible outcome would be weighted slightly in favor of the source. Finally, it there were a clear likelihood that at least one major legal issue would be decided against EPA, the case would fall into category D and the probability of success would be within the 30 to 44 percent range. The requirements for concurrence by OAR and OECM will assure that these admittedly subjective determinations are made with a reasonable level of consistency.

Although a source's claim to an exemption under Section 120(a)(2)(B) should be analyzed in the same way as any other legal issue, the range within which an exemption could affect probability of success is much narrower. If the source is clearly entitled to an exemption, it is unlikely that the notice of noncompliance would have been issued. If the source clearly did not have such entitlement, exemption should not become a factor which reduces the penalty. Therefore, the exemption issue should influence the category selected in only a limited number of cases.

II. Credits

The use of credits, i.e., set-offs from the calculated §120 penalty for costs borne by respondent for environmentally beneficial projects beyond those required to comply with law, is not permitted in §120 settlements.

April 30 1981

SUBJECT: Issuance of Notices of Noncompliance Under Section 120 of the Clean Air Act to Seasonal Sources

FROM: Director
Division of Stationary Source Enforcement

TO: Sandra S. Gardebring
Director, Enforcement Division
Region V

This responds to your memorandum of April 7, 1981, to the Acting Assistant Administrator for Enforcement, in which you asked for clarification of the Agency's position on issuance of Notices of Noncompliance under Section 120 to seasonal sources during off-season ceasation of operations.

As you know, we discouraged issuance of Notices to those seasonal sources not in operation on January 1, 1981. This was not because we felt we were legally precluded from issuance of Notices to those sources. Rather, we felt the fact of compliance by sources by off-season ceasation of operations continually on and after January 1, 1981, constituted an unnecessary complication in dealing with the initial implementation of the program. We were particularly concerned that the January 1, 1981, date could be misrepresented successfully as being the date on (or after) which a violation must occur. We continue to believe that we should avoid, absent compelling circumstances, issuing Notices to sources which have not operated on or after January 1, 1981. However, once such a source commences operation, a Notice could be appropriate and could be based on data gathered during operations prior to January 1, 1981, if that data could be shown to be an accurate representation of current operations as well. I assume that most seasonal sources have, or will shortly, recommenced operation.

As to seasonal sources which have operated after January 1, 1981, but for which we would be considering issuance of a Notice during the next (or any subsequent) off-season, this is a somewhat easier situation to deal with. As your memorandum recognizes, however, the fact that the source is in temporary (although not final) compliance would still add additional complexity. Obviously, it would be preferable to issue the Notice while the source is still in operation. However, we agree that no absolute bar should exist and believe that these cases should be evaluated on a case-by-case basis in consultation with this Division. Where a sufficient tactical advantage would accrue from the issuance of a Notice prior to recommencement of operations, issuance of a Notice could be appropriate.

If you have any questions concerning this policy, please do not hesitate to call me at 755-2550 or Stu Silverman of my staff at 755-2580.

Edward E. Reich

cc: Enforcement Division Directors
Regions I-IV, VI-X

PN 120-81-04-02-004

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

MEMORANDUM

APR 2 1981

Subject: Settlement of Noncompliance Penalty Assessments Under Section 120 of the Clean Air Act, as Amended (the Act)

From: Richard D. Wilson
Acting Assistant Administrator for Enforcement

ORIGINAL SIGNED BY
RICHARD D. WILSON

To: Regional Administrators
Enforcement Division Directors
Regions I-X

As you know, the Agency has established a settlement policy for noncompliance penalty assessments under Section 120 of the Act, the particulars of which were communicated to you in a memorandum dated October 30, 1980.

Proper administrative procedures for memorializing the terms of noncompliance penalty settlements are essential to ensure judicial enforceability of settlement agreements between the Agency and noncomplying sources. With this objective in mind, we have decided upon the following procedures for both conducting settlement discussions with noncomplying sources and concluding settlement agreements within the context of Section 22.18 of the Consolidated Rules of Practice set forth in 40 CFR Part 22.[1]

The terms and conditions of noncompliance penalty settlements which have been concurred upon by the Division of Stationary Source Enforcement shall be incorporated in a written consent agreement and proposed settlement order both of which should be forwarded to the Regional Administrator. Following review of the settlement terms, the Regional Administrator shall issue a consent order representing final Agency action of the noncompliance

[1] 45 Fed. Reg. 24360 (April 9, 1980). Section 66.91 of the noncompliance penalty regulations, 45 Fed. Reg. 50117 (July 28, 1980), provides, in pertinent part, that the Consolidated Rules of Practice in conjunction with Part 66 Subpart J of the noncompliance penalty regulations shall govern all adjudications of penalty assessments. Section 22.18 of the Consolidated Rules of Practice provides for a procedure for settlement of penalty assessment proceedings.

penalty proceeding. Incorporation of the terms and conditions of the penalty settlement in the form of a consent order signed by the Regional Administrator will enable the Agency to ultimately enforce the compromise in Federal District Court.[2]

Discussions with a noncomplying source regarding settlement of noncompliance penalty assessments would normally occur, at the earliest, following issuance of a Notice of Noncompliance to the source.[3] Notwithstanding settlement discussions, a noncomplying source must submit a petition for reconsideration to the Agency within 45 days of receipt of the notice if it wishes to preserve its right to adjudication should a negotiated settlement prove elusive.[4] Likewise, the Agency must respond to a petition for reconsideration within 30 days from receipt.

Subsequent to the granting of a hearing, should there be mutual interest in either commencing or continuing settlement negotiations, the parties must agree, in writing, to toll the ninety day time period provided by the Act for an initial decision by the Presiding Officer.[5] The written agreement between the

[2]Consent orders requiring a monetary payment in settlement of sources' noncompliance penalty liabilities are enforceable under Section 113(b) of the Act. Consent orders embodying a credit program in lieu of a monetary payment are enforceable under 28 USC Sections 1337 and 1345.

[3]In some instances, settlement discussions with a noncomplying source prior to receipt of a petition for reconsideration may be premature. A source may choose to forego the opportunity for adjudication and submit its penalty calculation to the Agency within 45 days of receipt of the notice of noncompliance. Further, following receipt and consideration of a petition for reconsideration, it is likely that a more informed judgment can be reached by the Agency regarding the merits of settling a particular noncompliance penalty action.

[4]To avoid potential estoppel arguments, Regional Offices should make clear to noncomplying sources during settlement discussions that the 45 day submittal requirement for petitions for reconsideration remains binding.

[5]Section 120 of the Act and Section 66.42 of the implementing regulations require the Presiding Officer to issue an initial decision within ninety days after the Administrator grants an adjudicatory hearing, unless otherwise agreed upon by the parties.

parties should expressly provide a limited interim period to conclude a settlement of the noncompliance penalty action, after which time the case will proceed to adjudication absent an agreement between the parties.[6]

Should settlement be reached between the Agency and the source during this interim period, the terms and conditions of the settlement shall be incorporated in a written consent agreement and proposed settlement order, both of which should be forwarded to the Regional Administrator. Following review of the settlement terms, the Regional Administrator shall issue a consent order representing final Agency action of the noncompliance penalty proceeding.[7]

In the event settlement of the noncompliance penalty action is reached after a Presiding Officer is assigned to the case for adjudication, the parties shall so inform the Presiding Officer and request leave to file with the Regional Administrator a written consent agreement and proposed settlement order. Upon execution of the consent order by the Regional Administrator, the parties to the adjudicatory proceeding shall move for withdrawal of the action without prejudice.

Where a noncomplying source is not subject to an outstanding Federal or Federally approved consent decree or order, the Agency will not enter into settlement of noncompliance penalty assessments except in unusual circumstances without concluding a consent decree or order with the source which requires compliance with all applicable legal requirements. Thus, prior to the Agency concluding a settlement of noncompliance penalties, a noncomplying source must execute a consent decree or order, the terms of which are acceptable to the Agency. The Federal decree must provide for satisfaction of any civil penalty liability under Section 113(b) of the Act. Normally, execution by the Regional Administrator of the noncompliance penalty settlement should not occur prior to lodging of a Section 113(b) consent decree. The Regional Offices should consult with the Division of Stationary Source Enforcement in those unusual circumstances where prior execution of the penalty compromise by the Regional Administrator appears necessary to avoid unreasonable delay in consummating the noncompliance penalty settlement or impeding effective enforcement of settlement terms.

---

[6]A copy of the written agreement tolling the ninety day time period should be forwarded to the Chief Administrative Law Judge and Director, Division of Stationary Source Enforcement.

[7]A copy of the consent order issued by the Regional Administrator should be forwarded to the Chief Administrative Law Judge and Director, Division of Stationary Source Enforcement.

The terms of a noncompliance penalty settlement may provide monetary payment to the United States Treasury in an amount which represents the penalty assessment as calculated by the Technical Support Document and the Instruction Manual set forth in Appendices A&B to the noncompliance penalty regulations with any adjustment as appropriate in accordance with the memorandum, dated October 30, 1980, entitled Settlement of Noncompliance Penalties Under Section 120 of the Clean Air Act.[8] Subject to Agency discretion, in lieu of a monetary payment, in whole or in part, a noncomplying source may commit to an enforceable credit program which will yield an environmental benefit beyond what is required under federal and state law.[9] The after tax value of the credit program must be equivalent in dollar amount to that portion of the penalty settlement figure not remitted to the United States Treasury. Where a penalty settlement provides for a credit program in lieu of a monetary payment, the agreement shall provide that failure by the source to comply with the program shall subject the source to either monetary liability[10] or an enforcement action for injunctive relief requiring compliance with the credit program, or both, at the election of the Agency.

Where there is particular reason to believe that the penalty assessment figure as calculated by the Technical Support Document and Instruction Manual which initially forms the basis of settlement negotiations may not accurately reflect economic benefits derived by a noncomplying source once final compliance with applicable legal requirements is ultimately achieved, the penalty settlement agreement requiring monetary payment to the United States Treasury should specifically provide for a final accounting. Thus, the agreement should require written notification of compliance from the source (including supporting factual

---

[8]Usually, payment of a monetary penalty shall be due in one lump sum six months subsequent to execution of the consent order by the Regional Administrator.

[9]The settlement agreement must clearly delineate enforceable increments of progress and final compliance milestones. Regional Offices should consult Chapter VIII of the Civil Penalty Policy, dated July 8, 1980, regarding the criteria for acceptable credit programs.

[10]The magnitude of monetary liability would be dependent upon the extent of compliance by the source with the credit program. The order should provide that where a source abandons the credit program, the monetary liability would be equivalent to the full penalty settlement figure initially agreed upon by the Agency and the source. The order should further provide that where a source misses milestone dates of the credit project which causes substantial delay in ultimate completion of the project, the source would be subject to monetary liability equivalent to the economic savings enjoyed by the source as a result of its failure to timely comply with credit project milestones.

and analytical data) once final compliance with applicable legal requirements has been achieved on a continuous basis. Additionally, a post compliance settlement calculation as provided in the Technical Support Document and Instruction Manual (set forth in Appendices A, Section V and B, Section IV) together with data necessary for independent verification must accompany a source's written notification of final compliance. Within 30 days from receipt of a notification of compliance, the Agency shall inform the source, in writing, whether or not the source has achieved final compliance with applicable legal requirements. In the event the Agency finds the source in compliance, the written notification shall also specify any deficiency payment or reimbursement[11] plus interest owed. The settlement agreement shall require payment by a source of a deficiency or reimbursement by the government within 30 days of written notification from the Agency specifying the amount of deficiency or reimbursement.

Lastly, all noncompliance penalty settlements shall expressly state that failure by the source to seek judicial review under Section 307(b) of the Act of the Regional Administrator's order as final Agency action[12] shall preclude review in judicial enforcement of the settlement of the terms, the underlying legal basis of settlement, and the Regional Administrators' authority to issue the consent order.

Forms will be prepared and forwarded to you shortly for use by the Regional Offices in all settlements of noncompliance penalties. Should you have any questions regarding the foregoing, please call Ed Reich at 755-2550 or Stu Silverman at 755-2570.

---

[11]The dollar amount of a deficiency payment or penalty reimbursement shall be the difference between i) the percentage representing the chance of success on the merits used for initial settlement of the penalty multiplied by the post compliance revised penalty calculation and ii) the initial noncompliance penalty compromise figure. Regardless of the nature of payment by the source in satisfaction of the initial noncompliance penalty settlement figure (whether a monetary payment to the United States Treasury or an approved credit project), a penalty deficiency owed by a source is to be satisfied by a monetary payment to the United States Treasury.

[12]All consent orders shall be published in the Federal Register as final Agency actions, reviewable in the appropriate United States Court of Appeals.

PN 120-81-02-12-003

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 12 1981

THE ADMINISTRATOR

MEMORANDUM

TO: Regional Administrators
Regions I-X

SUBJECT: Implementation of Noncompliance Penalty Program Under Section 120 of the Clean Air Act

As you know, implementation of the noncompliance penalty program under Section 120 of the Clean Air Act began on January 1, 1981. In preparation for implementation, the Administrator signed eight delegations of authority to the Regional Administrators, one of which addressed the authority to issue Notices of Noncompliance. Although that delegation allows Regional Administrators to redelegate the authority to issue Notices to the Division Director level, it seems advisable, for the time being, for the Regional Administrators to sign all Notices of Noncompliance. Therefore, until further notice please ensure that you sign all Notices issued within your region.

As a reminder, prior to issuance of a Notice of Noncompliance, Regional Offices are required to consult with the Office of Enforcement at Headquarters. The Director of the Division of Stationary Source Enforcement is the focal point in the Office of Enforcement for coordination with Regional Offices on proposed Notices.

Finally, as a courtesy to the State in which the noncomplying source is located, Regional Offices should consult with the appropriate state official prior to issuance of any Notice of Noncompliance.

If you have any questions regarding the foregoing, please feel free to call Richard Wilson at 755-2977, or Ed Reich at 755-2550.

Walter C. Barber, Jr.
Acting Administrator

PN 120-80-09-12-001

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 12 1980

OFFICE OF ENFORCEMENT

MEMORANUDM

Subject: Priorities for Issuing Notices of Noncompliance

From: Director
Division of Stationary Source Enforcement

To: Enforcement Division Directors
Regions I - X

As you know, the preamble to the regulations implementing Section 120 of the Clean Air Act states that on January 1, 1980, EPA will be issuing the first notices of noncompliance to major sources that have never achieved compliance with the Act and are not subject to federal or EPA-approved State consent decrees and administrative orders. Now that you have updated the MSEE docket pursuant to Jeff Miller's January 9 and May 12 memoranda, we are able to predict the approximate number of those highest priority sources. Because some regions will have relatively few such sources we must determine how to identify and when to reach the second level of priority.

After informal discussions with many of your staffs, it seems to us that the most efficient way to proceed is to create a second category which would include all other sources in violation of any requirement under a State Implementation Plan (SIP), New Source Performance Standard (NSPS), or National Emission Standard for Hazardous Air Pollutants (NESHAP). Within this second category the region would determine the order in which to issue notices of noncompliance using such evaluative factors as size of the economic benefit enjoyed, nature and amount of the source's emissions, whether the emissions are causing or contributing to a nonattainment situation, and the cause of the violation. We would normally expect particular attention to be given to NESHAP sources because of the serious nature of those violations.

It would be appropriate to reach into the second category of sources whenever the first category is exhausted. I assume that you would want cases from the first category to be well into the first administrative hearings before choosing to issue notices to sources in the second group, because every petitioned case must be decided by an administrative law judge within the statutory framework of ninety days.

Sources in compliance with schedules contained in approved orders and consent decrees are the Agency's lowest priority. It seems doubtful that such sources will be reached in the forseeable future, but if there is a time when you feel circumstances justify reaching into that category, please call and discuss it.

It seems to me that this system of priorities imposes the fewest restrictions on regional operations. Please consider these ideas and let me have your views, or call Judith Larsen of my staff at 755-2580. If we can reach a consensus on this approach we will add it to the implementing guidance which will go out to you in October.

Edward E. Reich

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 123
(VOLUME 1)

** CLEAN AIR ACT SECTION 123

* PN123-80-12-19-001
LETTER TO HONORABLE JENNINGS RANDOLPH FROM DOUGLAS M. COSTLE REGARDING DEFINITION OF AMBIENT AIR

* PN123-85-09-19-006
GUIDANCE ON FLUID MODEL DEMONSTRATIONS FOR DETERMINING GEP STACK HEIGHT IN COMPLEX TERRAIN

* PN123-85-10-10-007
QUESTIONS AND ANSWERS ON IMPLEMENTING THE REVISED STACK HEIGHT REGULATION

* PN123-85-10-28-008
IMPLEMENTATION OF STACK HEIGHT REGULATIONS - EXCEPTIONS FROM RESTRICTIONS ON CREDIT FOR MERGED STACKS

* PN123-85-10-28-009
IMPLEMENTATION OF STACK HEIGHT REGULATIONS - PRESUMPTIVE NSPS EMISSION LIMIT FOR FLUID MODELING STACKS ABOVE FORMULA GEP HEIGHT

* PN123-85-10-28-010
DETERMINING STACK HEIGHTS "IN EXISTENCE" BEFORE DECEMBER 31, 1970

PN 123-85-10-28-010

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

OCT 28 1985

MEMORANDUM

SUBJECT: Determining Stack Heights "In Existence" Before December 31, 1970

FROM: Darryl D. Tyler, Director
Control Programs Development Division (MD-15)

TO: Director, Air Management Division
Regions I-X

The following guidance is provided to describe how the definition of "in existence" should be implemented and to assist States and emission source owners and operators in providing appropriate evidence of commitments to undertake stack construction on or before December 31, 1970. Please note that this is guidance; States may submit alternative demonstrations in support of grandfathering claims, if they feel the circumstances warrant.

We intend to rely on the general provisions of this guidance to determine eligibility for grandfathering exemptions from certain other provisions of the revised stack height regulations: restrictions on the use of GEP formulae for cooling towers, use of the refined GEP formula, fluid modeling to justify GEP formula stack height, credit for merged stacks, credit for new sources tied into grandfathered stacks, and credit for stacks raised to GEP formula height.

Background

Section 123 of the Clean Air Act, as amended, contains a grandfather clause intended to exempt stack heights and techniques for pollutant dispersion that were in existence on or before December 31, 1970, from general provisions of Section 123 restricting the degree to which emission limitations may be affected by dispersion. When EPA promulgated stack height regulations pursuant to Section 123 in 1982, it adopted a definition of "stack heights in existence before December 31, 1970." This definition allowed the grandfathering of stacks on which construction had not yet commenced, but for which binding contracts had been signed that could not be modified or cancelled without substantial loss to the owner or operator. The EPA's definition was upheld by the U.S. Court of Appeals for the D.C. Circuit in Sierra Club v. EPA, 719 F.2d 436, and has not been modified in any way by the rule revisions promulgated on July 8, 1985, except to restrict its applicability to facilities that have not undertaken major modifications or reconstruction, and have not ducted the effluent gas streams from post-1970 units into pre-1971 stacks.

Subsequent to the recent revisions, questions have been raised about how the definition should be implemented, i.e., what EPA should consider to be a binding contract, and what should constitute a "substantial loss" for determining whether a stack should be grandfathered.

General Provisions

The burden of proof for showing that a stack is eligible for grandfathering exemption lies with either the State or the source owner or operator, as appropriate, and documentation in support of exemptions must be made available for public review during the rulemaking process. In the event that no case for exemption under this provision is made, or that satisfactory support for such a request is not provided, the stack is presumed not to be grandfathered, and therefore subject to the requirements of Section 123 and the stack height regulations promulgated by EPA.

Grandfathering exemptions may be supported in one of three ways: by showing that the stack was completed or was physically in existence prior to December 31, 1970; by showing that actual on-site continuous stack construction activities began on or before December 31, 1970; or by showing that a binding contract for stack construction was executed on or before that date.

Documenting Stack Construction

In cases where a stack was completed prior to December 31, 1970, the State may make a summary determination that the stack is grandfathered, but must provide an explanation of the reasons for its determination. One way in which it can be documented that the stack was physically in place before December 31, 1970, is to provide a copy of the 1970 Federal Power Commission report Form 67, which includes stack height, among other information. Evidence that may be submitted to support the date of commencement of stack construction can include virtually any contemporaneous documentation that clearly indicates that construction activities were under way as of December 31, 1970. This could consist of building inspection records, construction materials delivery receipts, correspondence, inter-office memoranda, photographic records, or news clippings. In the event that documentation is lacking or weak, EPA will consider affidavits which include detailed descriptions of efforts that were undertaken to obtain contemporaneous supporting documentation.

Documenting Contractual Obligations

The date of signature on a contract for stack construction will be acceptable for applying grandfathering exemptions if the contract itself meets certain minimum qualifications. A "binding contract," under the previously-discussed provisions is considered to be one that commits the source owner or operator financially to undertake stack construction and that did not have in effect on December 31, 1970, an "escape" provision that allows cancellation by the owner or operator without penalty.

In the event that a contract contains provisions for assessing penalties for modification or cancellation by the owner or operator, and those provisions were in effect on December 31, 1970, then the provisions must be reviewed to determine whether the penalties and other costs of cancellation would have imposed a "substantial loss" on the owner or operator. For new facilities, EPA will presume that a substantial loss would have resulted where the penalties exceed ten percent of the project cost. Where the project involves only stack construction or replacement, EPA will review claims on a case-by-case basis.

If a contract does not contain provisions which impose financial obligations on the owner or operator for contract modification or cancellation, then any determinations of whether liability to the owner or operator resulting from such modification would constitute substantial losses must be made on a case-by-case basis. In general, EPA's rule of thumb relying on ten percent of the project cost will be used.

If you have any questions regarding application of this guidance in specific instances, please contact Eric Ginsburg at (FTS) 629-5540 or Sharon Reinders and (FTS) 629-5526.

PN 123-85-10-28-009

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

OCT 28 1985

MEMORANDUM

SUBJECT: Implementation of Stack Height Regulations - Presumptive NSPS Emission Limit for Fluid Modeling Stacks Above Formula GEP Height

FROM: Darryl D. Tyler, Director
Control Programs Development Division (MD-15)

TO: Director, Air Management Division
Regions I-X

The following guidance is provided to explain the general emission control requirements for sources conducting fluid modeling to justify stack height in excess of that provided by the GEP formulae. While some of the discussion and examples contained herein focus on utility sources, the procedures outlined in this memorandum are generally applicable to all stationary source categories. Please note that this is guidance. States may present any other demonstrations that they may feel are warranted in individual circumstances.

Background

The revised stack height regulations published on July 8, 1985, define three methods for determining good engineering practice (GEP) stack height. These methods include:

1- a 65 meter de minimis GEP height;

2- the height determined by using an applicable formula based on the dimensions of nearby buildings; and

3- the height necessary to avoid excessive concentrations due to downwash as shown using a field study or fluid modeling demonstration.

As the preamble to the regulations points out, the revised definition of "excessive concentrations," a 40-percent increase in concentrations due to downwash resulting in a NAAQS or PSD increment exceedance, necessitates that an emission rate be specified for purposes of evaluating fluid modeling. The regulations require that a presumptive emission rate equivalent to the new source performance standards (NSPS) be established for the source in question before modeling may be conducted to determine

stack height needed to avoid excessive concentrations due to downwash.* This emission rate is described as "presumptive" because it is EPA's presumption that all sources seeking to justify stack heights exceeding those provided by the GEP formulae are capable of controlling their emissions to NSPS levels. However, the regulations also allow source owners or operators to rebut this presumption, establishing an alternative emission rate that represents the most stringent level of control that can feasibly be met by that source in excess of the NSPS level. In the preamble to the regulations, EPA indicated that it will rely on the "Guidelines for Determination of Best Available Retrofit Technology for Coal-Fired Power Plants and other Existing Stationary Facilities, EPA-450/3-80-009b" (BART Guidelines) when reviewing these rebuttals.

If it is infeasible for a source to control its emissions to NSPS levels, then an alternative limit representing the lowest feasible emission limit must be met before obtaining credit for stack height in excess of GEP formula height. Sources may consider such factors as remaining plant life and the cost of modifying existing equipment when determining NSPS feasibility.

Procedures

The general procedure that is described in the BART Guidelines for analyzing control alternatives should be followed to identify and evaluate alternatives for sources seeking credit for stack heights in excess of those produced by the applicable GEP formulae. Because the guidelines were originally written to address visibility impairment, however, not all of the analytical steps or applicability criteria--such as analysis of visibility impairment or exemptions for power plants below 750 megawatts--will be appropriate, and need not be addressed.

General steps in the analysis described in Section 2.0 of the guidelines can be summarized as follows.

1. Identify a range of control alternatives, including both pre- and post-combustion controls. In this regard, several fuel substitution and alternative fuel blends should be considered, as well as technological alternatives, such as coal cleaning and flue gas desulfurization.

2. Calculate the cost, emissions, and other environmental and energy impacts of the alternatives (including those meeting NSPS objectives).

3. Select the alternative that represents the most stringent level of emissions control feasible.

---

*Where the NSPS has been subject to revision, and the source in question is not subject to the revised NSPS, the earliest standard will be applied; e.g., for power plants a rate of 1.2 lb/mmBtu would be used.

In performing these analyses, it is important to keep in mind that EPA's presumption is that the NSPS emission limit is feasible unless demonstrated otherwise. When carrying out evaluations, source owners or operators may consider such factors as remaining useful plant life, the remaining life of any equipment affected by revised emission rates (including any control equipment), the cost of modifying boilers, control equipment, and fuel handling facilities, and the cost of modifying or cancelling existing fuel supply contracts (remaining useful plant life, if a significant factor in determining NSPS feasibility, may necessitate restrictions on the period of applicability of less stringent emission limits). Finally, it is important to analyze, not only a range of alternative controls, but several combinations of alternatives, since such combinations may yield a greater and more cost-effective degree of emissions control.

Since determinations of the adequacy of any rebuttals of the NSPS emission limit and the reasonableness of control alternatives considered must be made on a case-by-case basis, and will be subject to public review and comment during the rulemaking process, all technical and economic analyses, as well as any claims of infeasibility, must be fully documented and supported by any information that may be available.

If you have any questions regarding the application of this guidance in a particular set of circumstances, please contact Eric Ginsburg at (FTS) 629-5540 or Sharon Reinders at (FTS) 629-5526.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

OCT 28 1985

MEMORANDUM

SUBJECT: Implementation of Stack Height Regulations - Exceptions From Restrictions on Credit for Merged Stacks

FROM: Darryl D. Tyler, Director
Control Programs Development Division (MD-15)

TO: Director, Air Management Division
Regions I-X

This guidance has been prepared to address two issues pertaining to credit for merged stacks prior to July 8, 1985. It establishes a procedure that should be used to prepare and to review justifications for merging gas streams for economic or engineering reasons, and to address the presumption that merging was significantly motivated by an intent to gain credit for increased dispersion. Please note that this is guidance; States may submit alternative demonstrations in support of merged stack exemptions if they feel the individual circumstances warrant.

Background

Recent revisions to EPA's stack height regulations place certain restrictions on the degree to which stationary sources may rely on the effects of dispersion techniques when calculating allowable emissions. One such restriction is provided for the merging of gas streams, or combining of stacks. Several exemptions have been provided in the regulation, however. More specifically, 40 CFR Part 51.1(hh)(2)(ii) allows credit under circumstances where:

A. The source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams;

B. After July 8, 1985, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion from the definition of "dispersion techniques" shall apply only to the emission limitation for the pollutant affected by such change in operation; or

C. Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the federally-approved emission limitation for any

pollutant or, in the event that no emission limitation was in existence prior to the merging, an increase in the quantity of any pollutants actually emitted from existing units prior to the merging, the reviewing agency shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source owner or operator that merging was not significantly motivated by such an intent, the reviewing agency shall deny credit for the effects of such merging in calculating the allowable emissions for the source.

General Requirements

Figure 1 illustrates a framework for evaluating claims for merged stack credit. Because merged gas streams are generally regarded as prohibited dispersion techniques under the regulations, it is incumbent on the State or the source owner or operator to demonstrate that such merging was conducted for sound economic or engineering reasons, and was not significantly motivated by an intent to avoid emission controls. Consequently, the first step should entail a review of State and EPA files to determine the existence of any evidence of intent on the part of the source owner or operator. Information showing that merging was conducted specifically to increase final exhaust gas plume rise serves as a demonstration of dispersion intent that justifies a denial of credit for merged gas streams. Demonstrations that merging was carried out for sound economic or engineering reasons are expected to show that either the benefits of merging due to reduced construction and maintenance costs outweigh the benefits relating to lower emission control costs or that relevant engineering considerations showed the merging to be clearly superior to other configurations.

Demonstration Requirements

Several exemptions from prohibitions on gas stream merging are provided for existing sources in the stack height regulations:

1- where sources constructed their stacks before December 31, 1970,

2- where the total facility-wide emissions from the source do not exceed 5,000 tons per year,

3- where the facility was originally designed and constructed with merged gas streams, and

4- where the merging was part of a change in facility operation that included the installation of pollution control equipment and resulted in no increase in the allowable emissions of any pollutant.* Where there was an increase in emissions in conjunction with the merging and installation of control equipment, the regulations require that source owners also make an affirmative demonstration that the merging was not motivated by dispersive intent.

*Where there was no federally-approved emission limit prior to merging gas streams, there must be no increase in the actual emissions of any pollutant. Moreover, it is incumbent on the State to demonstrate that there was a logical relationship between the merging of existing gas streams and the installation of controls.

Sources that are not covered under these criteria may still qualify for exemption if they can show that merging was conducted for sound economic or engineering reasons. Such demonstrations should include justifications for having replaced existing stacks. This may be done, for instance, by documenting through maintenance records, correspondence, or other contemporaneous evidence, that the existing stacks had reached the end of their useful life, were prematurely corroded, had sustained other damage making them unservicable, were of a height less than that regarded as good engineering practice, thereby causing downwash problems, or that the addition of new units at the facility necessitated additional stacks and insufficient land was available. The absence of any evidence supporting the need for stack replacement creates a strong presumption that merging was carried out specifically to avoid the installation of pollution controls, i.e., was "significantly motivated by an intent to gain emissions credit for increased dispersion."

No Increase in Allowable Emissions

Once this initial criterion is satisfied, demonstrations may show that merging was based either on sound economic or sound engineering reasons. Claims based on strict engineering justifications may be more difficult to show, since the existence of more than one reasonable engineering solution generally leads to a decision based on economics. However, if it can be documented that the merged stack configuration was clearly superior to other stack configurations for purely engineering reasons, without consideration of cost, then credit for merging may be granted.

In order to most reliably implement the provisions of the regulations regarding the merging of gas streams for sound economic reasons, it would be necessary to ascertain the actual intent of the source owner or operator at the time the decision was made to merge gas streams. Recognizing that the difficulty of doing so was the basis for EPA's rejection of an "intent test" in the rule, the following approach provides a surrogate demonstration of intent. This approach is summarized in Figure 2.

Because the potential savings attributable to the avoidance of pollution controls can significantly influence decisions to merge stacks, one way to show the absence of dispersion intent is to conduct an analysis of the annualized capital and maintenance costs for merged stacks and for individual stacks, and compare the results to the compliance costs (fuel and operation and maintenance of any control equipment) calculated based on the emission limitations derived with and without merged stack credit. If, when the difference in capital and maintenance costs is compared with the difference in compliance costs over the period of capital amortization, the capital and maintenance cost saving is greater than the compliance cost saving, then merging can be accepted as having a sound economic basis.

In establishing this rule of thumb, we are aware that a benefit of as little as 10-20 percent could be considered "significant" in the context of the court's holding on this matter--i.e., such a benefit could have been considered to be a relevant factor in decisions to construct merged stacks.

However, recognizing that documentation of cost analyses after an extended period of time--up to 15 years--is likely to be limited, we believe that the 50 percent test articulated above would constitute a more reasonable basis for initial determinations (that is, a level at which we believe that there was likely a significant incentive to merge stacks to avoid control requirements).

Affirmative Demonstrations of Nondispersion Intent

In some instances, a State or emission source owner may not be able to make a demonstration as described above, or believe that sound economic reasons existed for merging stacks, regardless of the relationship between financial savings attributable to reduced emission control requirements versus lower stack construction cost. In such cases, an opportunity should be provided to affirmatively demonstrate that merged stacks were not "significantly motivated by an intent to obtain emissions credit for increased dispersion." The burden of proof rests solely with source owners or operators attempting to make this showing.

Demonstrations may rely on any relevant evidence, including but not limited to the following:

- construction permits, or permits to operate from pollution control agencies
- correspondence between the source owner or operator and government agencies
- engineering reports relating to the facility
- facility records
- affidavits
- any other relevant materials

For instance, such a demonstration could be made by submitting documentary or other evidence (e.g., internal company memoranda presenting the alternative construction opportunities available to the company) that indicates the intent of the source owner or operator and shows that consideration of dispersion advantages was conspicuously absent.

Alternatively, it might be shown that either action by the State in approving a revised emission limit followed actual merging sufficiently later in time to suggest that dispersion credit was not considered by the source at the time of merging or the State approved limit was unrelated to the merging.

In attempting to make demonstrations, source owners or operators should present as much evidence as can be located, with the understanding that demonstrations based on any single category of evidence (such as affidavits) presented in isolation are less likely to constitute acceptable showings than demonstrations based on cumulative bodies of evidence.

As discussed below, affirmative showings will be required of sources whose merged stacks were associated with an increase in allowable emissions as well as some sources whose mergers were not associated with such

increases. However, EPA expects sources whose emission limits increased subsequent to the merging to present stronger showings than those with no increase, since the regulatory definition of "dispersion technique" views such increases as an explicit indication that the merged stacks were significantly motivated by an intent to gain credit for increased dispersion. Sources who do not increase their emissions, but who have difficulty making other demonstrations, such as the installation of pollution controls, or merging for sound economic or engineering reasons convey a more implicit indication of dispersion intent that must be rebutted; for such sources, however, the presumption of intent is not as compelling.

Increases in Allowable Emissions

As stated above, in cases where the allowable emissions of any pollutant increased in conjunction with the merging of gas streams, such an increase provides even stronger circumstantial evidence that merging was not carried out for sound economic or engineering reasons, but was "significantly motivated by an intent to gain emissions credit for greater dispersion." This presumption may be rebutted by making one of the following demonstrations.

1- by showing that the cost savings associated with reduced compliance costs for merged stacks are less than 50 percent of the total savings due to merged stacks (i.e., annual compliance savings plus annualized capital and maintenance savings), and by making an affirmative showing, as described above, that there was no significant motivation to gain credit for the increased dispersion provided by merged stacks; or

2- by showing that alternatives to stack merging were reasonably precluded strictly for engineering reasons, and by affirmatively demonstrating the absence of significant dispersion intent, as noted above.

In the absence of such a showing, it should be presumed that avoidance of emissions control was a significant factor in the decision to merge gas streams, and credit should be denied.

If you or your staff have any questions regarding the application of this guidance in specific instances, please contact Eric Ginsburg at (FTS) 629-5540 or Sharon Reinders at (FTS) 629-5526.

Attachments

FIGURE 1

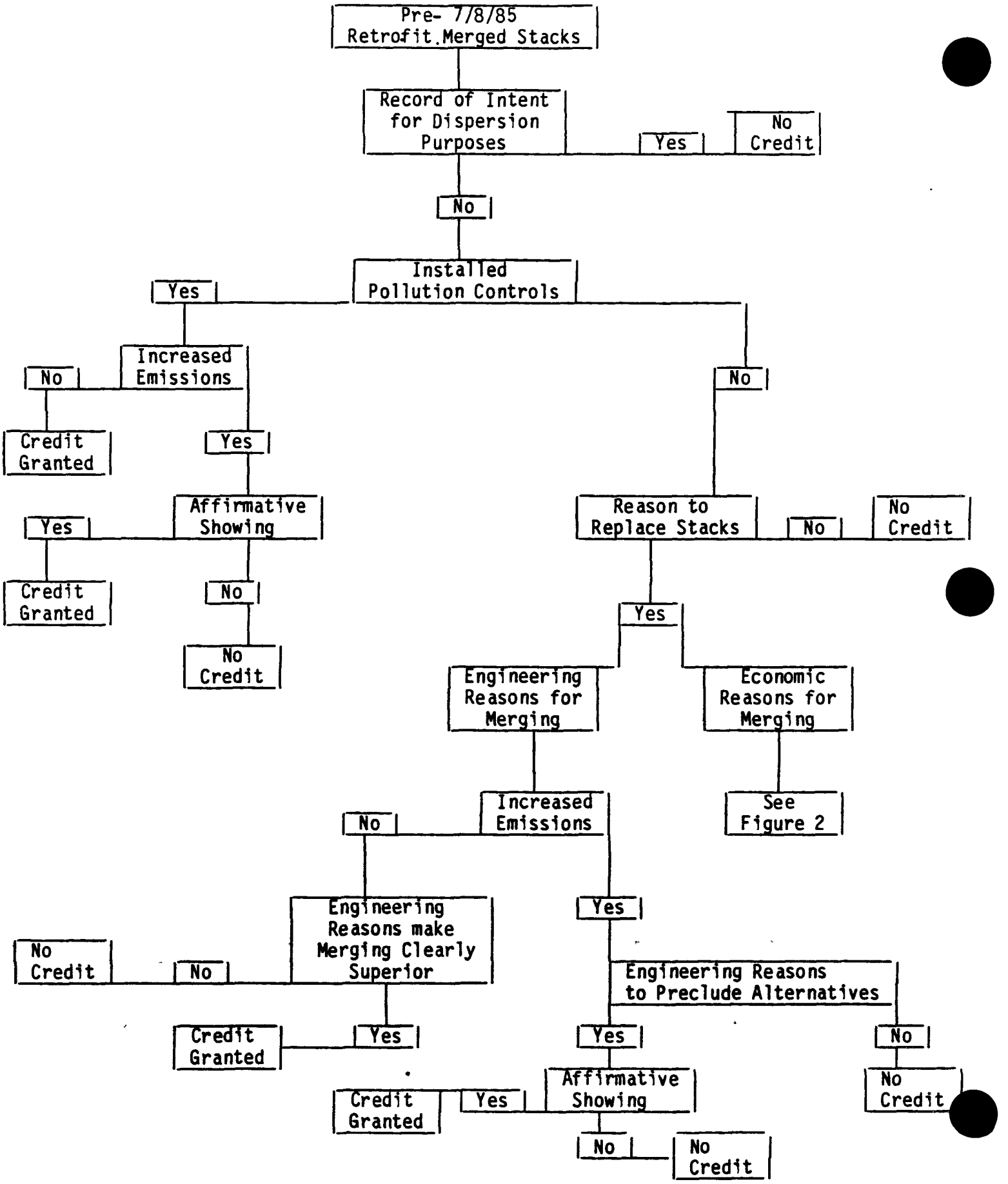

Pre- 7/8/85 Retrofit.Merged Stacks
Record of Intent for Dispersion Purposes
Yes
No Credit
No
Installed Pollution Controls
Yes
Increased Emissions
No
Credit Granted
Yes
Affirmative Showing
Yes
Credit Granted
No
No Credit
No
Reason to Replace Stacks
No
No Credit
Yes
Engineering Reasons for Merging
Economic Reasons for Merging
See Figure 2
Increased Emissions
No
Engineering Reasons make Merging Clearly Superior
No
No Credit
Credit Granted
Yes
Yes
Engineering Reasons to Preclude Alternatives
Yes
No
Affirmative Showing
Credit Granted
Yes
No Credit
No
No Credit

Figure 2

Economic Justification

for Merged Stacks

Savings due to Avoidance of More Stringent Emission Limit	No Increase In Emissions	Increase In Emissions
Less than 50% of Total Savings due to Merged Stack Construction	Credit Granted	Affirmative Showing
Exceed 50% of Total Savings due to Merged Stack Construction	Affirmative Showing	No Credit

PN 123-85-10-10-007

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

OCT 10 1985

MEMORANDUM

SUBJECT: Questions and Answers on Implementing the Revised Stack Height Regulation

FROM: G. T. Helms, Chief G. T. Helms
Control Programs Operations Branch (MD-15)

TO: Chief, Air Branch, Regions I-X

A number of questions have arisen in several areas of the revised stack height regulation since its promulgation on July 8. The following answers have been developed in response. The questions and answers are arranged under the general topic headings of interpretation of the regulation, State implementation plan (SIP) requirements, and modeling analyses. Please continue to call Sharon Reinders at 629-5526 if you have further comments or additional questions.

Interpretation of the Regulation

1. Q: What criteria should be used to determine when a stack was "in existence" with respect to the various grandfathering dates in the regulation?

A: The recent promulgation of revisions to the stack height regulation did not change the definition of "in existence." The definition is provided in 40 CFR 51.1(gg) and includes either the commencement of continuous construction on the stack or entering into a binding contract for stack construction, the cancellation of which would result in "substantial loss" to the source owner or operator. The definition of what constitutes a "substantial loss" will be the subject of future guidance.

2. Q: What "source" definition should be used in determining whether tie-ins to grandfathered stacks should be permitted or prohibited?

A: The term "source" in this instance means a single emitting unit. Thus, credit for tying a single post-1970 unit(s) into a grandfathered stack serving a number of old units is prohibited under the regulation.

3. Q: What is meant in the regulation by "facility"?

A: For purposes of this regulation, the definition contained in 40 CFR 51.301(d) should be used. That definition essentially defines the term as the entire complex of emitting activities on one property or contiguous properties controlled by a single owner or designee.

4. Q: Must good engineering practice (GEP) stack height be established separately for each pollutant? If not, how should it be determined?

A: It is not necessary to calculate a separate GEP stack height for each pollutant. Since "GEP" is defined by Section 123 of the Clean Air Act as the height necessary to ensure against excessive concentrations of any air pollutant, it follows that GEP should be established for each source based on the pollutant requiring the greatest height to avoid excessive concentrations.

5. Q: How should "reliance" on the 2.5H formula be determined?

A: First, "reliance" on the 2.5H formula applies only to stacks in existence before January 12, 1979. Credit for "reliance" on the 2.5H formula can be granted under the following cases: (a) Where the stack was actually built to a height less than or equal to 2.5H; (b) Where the stack was built taller than 2.5H and the emission limitation reflects the use of 2.5H in the SIP modeling analysis; or (c) Where evidence is provided to show "reliance" as discussed in the following paragraph. If no modeling was used to set the emission limitation for the source, then it cannot be argued that there was "reliance" on the formula, since EPA's guidance was specifically aimed at using stack height credit in establishing emission limitations. Once it is determined that the emission limitation was in fact based on estimates of dispersion from the stack, then the source can be said to have properly "relied" on the 2.5H formula. In the event that it cannot be determined that the emission limit is based on "reliance" on the 2.5H formula, then the refined H + 1.5L formula must be used.

Where a clear relationship between a 2.5H stack height and the emission limitation cannot be shown, where the emission limitation was not calculated based precisely on the 2.5H height, or where the stack height used in modeling cannot be verified, then additional evidence will be needed. Preferred would be written documentation, such as copies of the original engineering calculations or correspondence between the State or the emission source owner and EPA indicating that the 2.5H formula should be used to derive the emission limitation. However, recognizing that such evidence is often not retained for more than a few years, "reconstructed" documentation may be considered, but should only be used as a last resort. This evidence should include explanations by those individuals who were involved in designing the facility, calculating emission rates, and who represented the facility in dealings with the

State and EPA on how the emission limit was derived, including a discussion of how the formula was originally used in deriving the source emission limitation, a discussion of the analytical method applied, and a listing of any contacts or discussions with EPA during that period. This listing will aid EPA in searching its own files to find any records of communication or correspondence that may bear on the issue.

In no case should a source be allowed after January 12, 1979, to obtain a relaxation in the emission limitation by arguing that it "relied" on past EPA guidance endorsing the 2.5H formula. In cases where a relaxation based on GEP formula height is sought in the future, the refined H + 1.5L formula must be used.

6. Q: The preamble specifically discusses cooling towers as structures to which the formula should not be applied. Will the Office of Air Quality Planning and Standards be specifying other structures that are not well represented by the formula?

A: The discussion in the preamble and GEP guideline is not intended to be all-inclusive; judgment should be used in determining when fluid modeling should be used to estimate the effects of structures with rounded, domed, or tapered shapes. Water towers and storage tanks are additional examples of such structures. As additional information becomes available on the aerodynamic effects of specific building shapes and configurations, we will evaluate the need to revise the GEP guidance. However, at present, there are no plans to issue a "laundry list" of structures to which the formulas do not apply.

SIP Requirements

7. Q: Should a compliance averaging time be explicitly stated in a SIP revision for sulfur dioxide (SO_2) emission limits that are revised to meet the stack height regulation?

A: A compliance averaging time need not be specified as an enforceable SIP provision as long as a stack test compliance method is in place in the underlying federally approved SIP. EPA's current national policy requires that SIP's and permits contain enforceable "short-term" emission limits set to limit maximum emissions to a level which ensures protection of the short-term national ambient air quality standards (NAAQS) and prevention of significant deterioration (PSD) increments. EPA relies upon a short-term stack test provision in the SIP as the method of determining compliance with the emission limits. In lieu of a stack test, EPA has accepted fuel sampling and analysis and continuous emission in-stack monitors (CEM's). When compliance is to be determined from information obtained by fuel sampling and analysis and CEM's, short-term averaging times should be specified.

8. Q: Are all States required to have "stack height regulations"?

A: Limitations on creditable stack height and dispersion techniques impact the SIP program in two areas--SIP emission limits for existing sources and SIP provisions covering new source review (NSR)/PSD permitting procedures. For existing sources, State regulations limiting credit for stack height and other dispersion techniques (stack height regulations) are not necessary as long as the SIP emission limits are not affected in any manner by so much of the stack height as exceeds GEP, or any other dispersion technique. Where a State has stack height regulations, those regulations must be consistent with EPA's regulation. Where a SIP contains regulations that are inconsistent with EPA's regulation, the State must either adopt a stack height regulation that is consistent with EPA's or incorporate the EPA regulation by reference.

For the NSR/PSD programs, it is essential that the plan contain limitations on the amount of creditable stack height and other dispersion techniques. The following cases have been developed to illustrate what action(s) may be required of the State since promulgation of the stack height regulation.

CASE A(1): A fully or partially delegated PSD program that references but does not define GEP where the delegation agreement does not contain a date to define which version of the PSD rule is being delegated.

ACTION: Notify the State that all permits issued henceforth must be consistent with EPA's stack height regulation. All permits previously issued must be reviewed and revised as necessary within 9 months.

CASE A(2): A fully or partially delegated PSD program that references but does not define GEP where the delegation agreement does contain a date to define which version of the PSD rule is being delegated.

ACTION: Update the delegation agreement to reflect agreement with EPA's stack height regulation as of July 8, 1985. Notify the State that all permits issued henceforth must be consistent with EPA's stack height regulation. All permits previously issued must be reviewed and revised as necessary within 9 months.

CASE B: The current federally approved SIP for NSR/PSD does not contain a reference to GEP or dispersion techniques, i.e., provisions assuring that emission limitations will not be affected by stack height in excess of GEP or any prohibited dispersion techniques do not exist in the current SIP.

ACTION: Notify the State that such provisions must be adopted and submitted as a SIP revision within 9 months. This can be acccomplished by adopting stack height regulations at the State level or by adopting the appropriate reference and commitment to comply with EPA's stack height regulation as promulgated on July 8, 1985. Interim permitting should be consistent with EPA's stack height regulation.**

CASE C: The current federally approved SIP for NSR/PSD contains references to, but does not define, GEP or dispersion techniques.

ACTION: Notify the State that a commitment to comply with EPA's stack height regulation as promulgated on July 8, 1985, is required. If a State is unable to make such a commitment, State regulations must be revised to be consistent and submitted to EPA as a SIP revision within 9 months and interim permitting should be consistent with EPA's stack height regulation. No "grace period" will be allowed for sources receiving permits between July 1985 and April 1986.**

CASE D: The current federally approved SIP for NSR/PSD contains stack height regulations that are inconsistent with EPA's regulation.

ACTION: Notify the State that such regulations must be revised to be consistent and submitted as a SIP revision within 9 months and that interim permitting should be consistent with EPA's stack height regulation.**

CASE E(1): A SIP for NSR/PSD has been submitted to EPA, or will be submitted to EPA before the due date for stack height revisions. The submittal contains provisions that conflict with EPA's stack height regulation.

ACTION: Notify the State that EPA cannot approve the submittal until it is revised pursuant to EPA's July 8, 1985, regulation.

**In the event that a State does not have legal authority to comply with EPA's regulation in the interim (e.g., because it must enforce State rules that are inconsistent with EPA's regulation) and is compelled to issue a permit that does not meet the requirements of the EPA revised stack height regulation, then EPA should notify the State that such permits do not constitute authority under the Clean Air Act to commence construction.

CASE E(2): As in Case E(1), a SIP for NSR/PSD has been submitted to EPA or will be submitted to EPA before the due date for stack height revisions. The submittal is not inconsistent with EPA's stack height regulation, but portions of the existing approved SIP that relate to the submittal are inconsistent.

ACTION: Approve the SIP submittal based on a commitment by the State to correct the inconsistencies in its existing SIP to comport with EPA's July 8 regulation and submit the corrections as a SIP revision within 9 months. Interim permitting should be consistent with EPA's stack height regulation.** If the existing SIP is ambiguous, i.e., the SIP references but does not define terms relating to GEP or dispersion techniques, the action steps outlined in Case C above should be followed.

CASE F: In nonattainment areas, emission limits or permits do not always include modeling, but rather are based on lowest achievable emission rate (LAER) and offsets.

ACTION: If no modeling is used in the issuance of a permit, the emission requirements for the source are not "affected" by stack heights or dispersion techniques, and no action is needed. However, if modeling was used in the process of preparing and issuing a permit, such as cases where offsets were obtained offsite, that modeling must be reviewed for consistency with the stack height regulation.

9. Q: What must all States do now that EPA's stack height regulation is promulgated?

A: States must review and revise their SIP's as necessary to include or revise provisions to limit stack height credits and dispersion techniques to comport with the revised regulations, and, in addition, review and revise all emission limitations that are affected by stack height credit above GEP or any other dispersion techniques. In accordance with Section 406(d)(2) of the Clean Air Act, States have 9 months from promulgation to submit the revised SIP's and revised SIP emission limitations to EPA.

In an August 7, 1985, memo titled "Implementation of the Revised Stack Height Regulation--Request for Inventory and Action Plan to Revise SIP's," Regional Offices were requested to begin working with each of their States to develop States' Action Plans. Each Action Plan should include the following: (1) An inventory of (a) all stacks greater than 65 meters (m), (b) stacks at sources which exceed 5,000 tons per year total allowable SO_2 emissions; and (2) A reasonable schedule of dates for significant State actions to conform both State stack height rules and emission limitations to EPA's stack height regulation. Schedules should include increments of progress. Regional Offices should be satisfied that each of their States provide schedules for completion of the tasks

as outlined in the August memo and report the status of schedule commitments to them on a monthly basis. Regional Offices have been asked to forward monthly status reports to the Control Programs Development Division on the States' progress to meet scheduled commitments and also report the results of followup with the States on schedules that are not met. In order to facilitate tracking the States monthly progress, guidance on a standardized format will be issued shortly.

Modeling Analyses

10. Q: Is there any restriction or prohibition against, or demonstration required for, raising an existing (or replacing) stack up to 65 m?

A: No, as long as prohibited dispersion techniques are not employed.

11. Q: Are flares considered to be stacks?

A: No, flares are excluded from the regulation.

12. Q: What load should be used for a fluid modeling demonstration?

A: One hundred percent load should generally be used unless there is a compelling argument otherwise..

13. Q: Can new or modified sources who have agreed to a case-by-case best available control technology (BACT) emission rate be required to use this rate for fluid modeling rather than a less stringent new source performance standard (NSPS) emission rate?

A: As set forth in 40 CFR 51.1 (kk), the allowable emission rate to be used in making demonstrations under this part shall be prescribed by the NSPS that is applicable to the source category unless the owner or operator demonstrates that this emission rate is infeasible.

14. Q: Must the exceedance of NAAQS or PSD increment due to downwash, wakes, or eddies occur at a location meeting the definition of ambient air?

A: No, the exceedance may occur at any location, including that to which the general public does not have access.

15. Q: Is a source that meets NSPS or BACT emission limits subject to restrictions on plume merging?

A: Yes. However, in a majority of such cases, there will be no practical effect since BACT or NSPS limits will be sufficient to assure attainment without credit for plume rise enhancement.

Q: What stack parameters are to be used in modeling when the actual stack height is greater than GEP height?

A: Where it is necessary to reduce stack height credit below what is in existence, for modeling purposes, use existing stack gas exit parameters--temperature and flow rate--and existing stack top diameter and model at GEP height.

17. Q: How should a stack that is less than GEP height be modeled when dispersion techniques are employed?

A: In order to establish an appropriate emission limitation where a source desires to construct less than a GEP stack but use dispersion techniques to make up the difference in plume rise, two cases should be tested. First, conduct a modeling analysis inputting the GEP stack height without enhanced dispersion parameters, then conduct a second analysis inputting the less than GEP stack height with the increased plume rise. The more stringent emission limitation resulting from each of the two runs should be the one specified as the enforceable limitation.

18. Q: How are the effects of prohibited dispersion techniques to be excluded for modeling purposes?

A: Where prohibited dispersion techniques have been used, modeling to exclude their effects on the emission limitation will be accomplished by using the temperature and flow rates as the gas stream enters the stack, and recalculating stack parameters to exclude the prohibited techniques (e.g., calculate stack diameter without restrictions in place, determine exit gas temperatures before the use of prohibited reheaters, etc.).

19. Q: How are single flued merged stacks and multiflued stacks to be treated in a modeling analysis?

A: This is a multistep process. First, sources with allowable SO_2 emissions below 5,000 tons/year may be modeled accounting for any plume merging that has been employed. For larger sources, multiflued stacks are considered as prohibited dispersion techniques in the same way as single flued merged gas streams unless one of the three allowable conditions has been met; i.e., (1) the source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams; (2) after date of promulgation, demonstrate that such merging is associated with a change in operation at the facility that includes the installation of pollution controls and results in a net reduction in the allowable emissions of the pollutant for which credit is sought; or (3) before date of promulgation, demonstrate that such merging did not result in any increase in the allowable emissions (or, in the event that no emission limit existed, actual emission level) and was associated with a change in operation at the facility that included the installation of

emissions control equipment or was carried out for sound economic or engineering reasons, as demonstrated to EPA. Guidelines on what constitutes sound economic or engineering justification will be issued shortly.

If plume merging from multiflued stacks is not allowable, then each flue/liner must be modeled as a separate source and the combined impact determined. For single flued merged stacks where credit is not allowed, each unit should be modeled as a separate stack located at the same point. The exit parameters, i.e. velocity and temperature, would be the same as for the existing merged stack conditions and the volume flow rate based on an apportionment of the flow from the individual units.

20. Q: What stack height for point sources should be input to air quality dispersion modeling for the purpose of demonstrating protection of the NAAQS and PSD increments?

A: A discussion of the maximum stack height credit to be used in modeling analyses is provided in the "Guideline for Determination of Good Engineering Practice Stack Height" and provides that the GEP stack height should be used as input to the model assessment. If a source is operating with a less than GEP stack height, then the actual stack height should be input to the model.

21. Q: What stack height should be used for background sources in modeling analyses?

A: The GEP stack height for each background source should be input to the model assessment. If a background source is operating with a less than GEP stack height, then the actual stack height should be input to the model.

22. Q: Can credit for plume merging due to installation of control equipment for total suspended particulate (TSP) matter be allowed when setting the SO_2 limit?

A: To state the question another way, the concern is what impact the merging and installation of control equipment have on the emission limit for another pollutant, and whether the merging occurred before or after July 8, 1985. After July 8, 1985, any exclusion from the definition of "dispersion techniques" applies only to the emission limitation for the pollutant affected by such change in operation and is accompanied by a net reduction in allowable emissions of the pollutant. For example, a source tears down two old stacks and builds one new GEP stack with an electrostatic precipitator (ESP). This results in a net reduction in TSP emissions. This source could model using stack gas characteristics resulting from merging the two gas streams in setting the TSP emission limit, but may not so model and receive the credit for stack merging when evaluating the SO_2 emission limit.

Before July 8, 1985, installation of TSP pollution control equipment generally justifies the merging of the stacks for TSP. However, if a source's emission limitation for SO_2 increased after the merging, then credit would generally not be allowed since it is presumed that the merging was to increase dispersion.

A source with no previous SO_2 emission limit that merges stacks and installs an ESP for TSP control may consider the effects of merging on compliance with the TSP NAAQS but may not use merging to justify setting an SO_2 emission limit less stringent than its actual emission rate before the merging.

23. Q: If, after determining GEP stack height by fluid modeling, dispersion modeling under other than "downwash" meteorological conditions shows that a lower emission limit than that from the fluid model GEP analysis is necessary to meet ambient air quality constraints, should a new stack height be defined for the source?

A: No. GEP stack height is set. Ambient air quality problems predicted by dispersion modeling at the fluid modeled height means that a more stringent emission limit is necessary.

24. Q: Does EPA intend to issue additional guidance on fluid modeling demonstrations?

A: See the attached memo from Joseph A. Tikvart, Chief, Source Receptor Analysis Branch, to David Stonefield, Chief, Policy Development Section, on guidance for a discussion of existing and additional guidance on fluid model demonstrations.

Attachment

cc: Stack Height Contacts
Gerald Emison
Ron Campbell
B. J. Steigerwald

* NOTE: See PN 123-85-09-19-006

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

September 19, 1985

MEMORANDUM

SUBJECT: Guidance on Fluid Model Demonstrations for Determining GEP Stack Height in Complex Terrain

FROM: Joseph A. Tikvart, Chief
Source Receptor Analysis Branch, MDAD

TO: David Stonefield, Chief
Policy Development Section, CPDD

The recently promulgated stack height regulation requires that a source that wishes to receive credit for the effects of wakes, eddies and downwash produced by nearby terrain for the purpose of calculating GEP stack height must conduct a fluid model demonstration or a field study. Recent guidance for fluid modeling these terrain effects is contained in Section 3.6 of the "Guideline for Determination of GEP Stack Height (Revised)," EPA 450/4-80-023R, June 1985, available from NTIS as PB 85-225-241. In addition, the report "Fluid Modeling Determination of Good Engineering Practice Stack Height in Complex Terrain," EPA 600/3-85-022, available from NTIS PB 85-203-107, provides an actual case of how EPA conducted a GEP determination, short of performing the "excessive concentration" criteria test. Requests to conduct field studies in lieu of fluid modeling demonstrations will be evaluated on a case-by-case basis; refer to pp. 46-47 of the GEP Guideline.

Previously, EPA published three documents which form the basis for conducting fluid model demonstrations, particularly in flat terrain situations: (1) "Guideline for Fluid Modeling of Atmospheric Diffusion," EPA 600/8-81-009, April 1981, available from NTIS as PB 81-201-410; (2) "Guideline for Use of Fluid Modeling to Determine Good Engineering Practice Stack Height," EPA 450/4-81-003, July 1981, available from NTIS as PB 82-145-327; and (3) "Determination of Good-Engineering-Practice Stack Height: A Fluid Model Demonstration Study for a Power Plant," EPA 600/3-83-024, April 1983, available from NTIS as PB 83-207407.

Lastly, EPA conducted a 4-day workshop on fluid modeling and GEP determination at the Fluid Modeling Facility at RTP in February 1981, attended by staff from each Regional Office. Although some attendees are no longer with the Agency, we believe at least one person in each Region who attended is still "on board," except for Regions II and VIII, and could serve as a resource person. At the Regional Workshop on the Stack Height Regulation next month, we will poll the attendees concerning the need for

another fluid modeling workshop for Regional Office and State technical staff. If a need is expressed and specific attendees can be identified, we will request the Meteorology and Assessment Division, ASRL, to present such a workshop at RTP within the next few months.

The above documents together with staff that have some knowledge of fluid modeling should enable most Regions to provide initial technical assistance to the States and enable the States to increase their own level of expertise. Note that document (2) contains a report checklist in Section 5, outlining what a fluid model report should contain. Additional items explicitly related to complex terrain studies may be required on a case-by-case basis, especially after reviewing EPA's example study carefully. More detailed procedures for implementing the excessive concentration criteria calculations, using data from a fluid model demonstration, are being developed and will be provided at the upcoming Regional Workshop.

Should technical questions arise regarding GEP determinations or fluid model demonstrations, please contact Jim Dicke or Dean Wilson of my staff, FTS 629-5681. We assume the Regional Office staffs will attempt a first-cut resolution of technical issues before requesting our assistance.

cc: S. Reinders
R. Rhoads
F. Schiermeier
D. Wilson

PN-123-80-12-19-001

DEC 19 1980

Honorable Jennings Randolph
Chairman, Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Thank you for your letter of October 23, 1980 expressing your continued interest in the Agency's definition of "ambient air." During the time since David Hawkins, my Assistant Administrator for Air, Noise, and Radiation, met with you last February, the definition has been extensively reviewed and debated.

After reviewing the issues and alternatives, I have determined that no change from the existing policy is necessary. We are retaining the policy that the exemption from ambient air is available only for the atmosphere over land owned or controlled by the source and to which public access is precluded by a fence or other physical barriers. EPA will continue to review individual situations on a case-by-case basis to ensure that the public is adequately protected and that there is no attempt by sources to circumvent the requirement of Section 123 of the Clean Air Act.

I hope that this has been responsive to your needs.

Sincerely yours,

/s/ Douglas M. Costle

Douglas M. Costle

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 124
(VOLUME 1)

** CLEAN AIR ACT SECTION 124

* PN124-78-07-31-001
IMPLEMENTING SECTION 124 OF THE CLEAN AIR ACT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: JUL 31 1978

SUBJECT: Implementing Section 124 of the Clean Air Act

PN-124-78-07-31-001

FROM: Walter C. Barber, Director
Office of Air Quality Planning and Standards

TO: Director, Air & Hazardous Materials Division, Regions I, III-X
Director, Environmental Programs Division, Region II

On January 23, 1978, Richard Rhoads sent to the Regional Offices for comment a draft copy of an OAQPS guideline memorandum on implementing Section 124, Assurance of Adequacy of State Plans, of the Clean Air Act. This section requires the States to determine the effect of potential fuel shortages on the adequacy of their SIPs and to revise their SIPs if necessary to counteract any adverse effect of shortages. The draft guidance material was also discussed at the February and March workshops on requirements for nonattainment area plans.

The analysis required by Section 124 is, although important, of lesser priority than many other aspects of the air program. Further, the depth of analysis required is highly dependent upon the conditions within the individual States. Although some States may need to follow the full analytical procedures outlined in our January draft guidance, most States could comply with Section 124 by using much more simplified techniques, and in many States a simple qualitative assessment would be adequate.

I therefore do not intend to formalize uniform national guidance on implementation of Section 124 at this late date. I believe you and your States should continue to implement Section 124 in a manner consistent with the specific conditions within the individual States, keeping in mind the many conflicting resource demands on both the States and EPA.

cc: R. Rhoads
J. Padgett
Director, Enforcement Division, Regions I-X
Air Branch Chiefs, Regions I-X

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 165
(VOLUME 1)

** CLEAN AIR ACT SECTION 165

* PN165-78-12-22-001
BACT INFORMATION FOR COAL-FIRED POWER PLANTS

* PN165-81-04-03-006
LETTER TO NATIONAL PARK SERVICE FROM EDWARD F. TUERK REGARDING PSD PERMITS

* PN165-80-12-16-007
INTERPRETATION OF "SIGNIFICANT CONTRIBUTION"

* PN165-84-01-09-012
INTERPRETATION OF THE POLICY ON COMPLIANCE WITH THE PROVISIONS OF PART D

* PN165-84-01-20-013
PSD INCREMENT CONSUMPTION CALCULATIONS

* PN165-84-06-11-014
APPLICABILITY OF PSD INCREMENTS TO BUILDING ROOFTOPS

* PN165-85-05-09-015
IMPROVED NEW SOURCE REVIEW/PREVENTION OF SIGNIFICANT DETERIORATION (NSR/PSD) PROGRAM TRANSFER

PN 165-85-05-09-015

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

MAY 9 1985

MEMORANDUM

SUBJECT: Improved New Source Review/Prevention of Significant Deterioration (NSR/PSD) Program Transfer

FROM: Darryl D. Tyler, Director
Control Programs Development Division (MD-15)

TO: Director, Air Division, Regions I-X

One of EPA's highest air program priorities is the timely transfer of high quality NSR/PSD programs to the States. While EPA has had considerable success in transferring and updating NSR/PSD programs, there are still some State and local review authorities which have not received one or both of these programs. Furthermore, several of the transfers have been incomplete (conditional approvals or partial delegations), have taken too long, or are outdated due to subsequent court cases (e.g., Alabama Power).

I recognize that a large part of the problem may be unavoidable for several reasons. First, transfer is difficult due to the unique level of detail with which the Clean Air Act (Act) outlines mandatory NSR/PSD program requirements. Next, many States are reluctant to take, update, or even retain NSR/PSD programs since these programs are believed to be resource intensive to implement and continually evolving as a result of litigation and potential Act changes. Finally, the transferred or updated program must be one of highest quality so the permits issued under these programs will be consistent with the explicit requirements of the Act and will be able to withstand legal challenge. Nevertheless, I believe that our performance in this area can and should be improved.

This memo is intended to help facilitate additional program transfers or upgrades by summarizing most of the considerable but fragmented policy now governing such changes. Outlined below is a compilation of advice which has proven useful in expediting the development and processing of high quality NSR/PSD State implementation plans (SIP) revisions. Each guidance element is described in terms of the specific problems it addresses and incorporates comments made on an earlier version of this package.

Check Lists/Critical Elements

Review of SIP's has often led to lengthy negotiations among Headquarters, Regional Offices, and State officials. These discussions usually come after the Regions have already assured the State in some manner that

their SIP is approvable. Part of this problem is caused by a lack of firm guidance up front as to which particular NSR/PSD requirements States must strictly adhere to and which requirements States have more flexibility in meeting. Accordingly, CPDD has developed two types of check lists to help standardize and focus the review process for NSR/PSD SIP's.

First, comprehensive check lists detailing all elements required in a PSD or NSR SIP submittal have been prepared (see Attachment A). Several Regions are already using these or similar check lists for evaluating State submittals to determine their adequacy relative to the 40 CFR Part 51 requirements and have found them useful.

In order to optimize use of EPA resources and to expedite SIP review, a second form of check list is being formulated (see Attachment B). This check list, which is an evolving product, attempts to outline those elements of NSR/PSD SIP's which are the explicit requirements of the Act, the subject of current litigation, or are otherwise critical to the program (i.e., produce a large impact in terms of emissions capture). The checklist thus serves to indicate where Headquarters will focus its review effort. Attachment C contains several types of State proposals which commonly fail to meet these critical requirements. In an effort to facilitate a timely Headquarters review, I recommend that the technical support documents (TSD) developed by the Regions are arranged such that they, as a minimum, indicate how and where each of the critical elements are met. Similarly, the Federal Register notices themselves need only mention any difficulties with critical elements and defer detailed discussions of these and any other problems to the TSD. To ensure that overall quality of NSR/PSD.SIP's does not suffer, Regions will be responsible for working with the State/local agencies to develop rules which you determine to meet all the applicable requirements of 40 CFR Part 51 (i.e., the comprehensive check lists). I will recommend that approvals of Regional packages which meet the critical program elements not be questioned by OAR.

While we will devote the vast majority of our efforts during 14-day review to how the critical NSR elements are addressed in completed rules, we will also be available for some support regarding the development of regulatory language. That is, upon request, Mike Trutna and his staff will assist you in working out appropriate language with a State/local authority in order that their rule will meet the applicable requirements. In doing so, please attach your review of the proposed rule along with the regulation itself. I also stress that when you request this assistance from Mike, you do so early enough in order that adjustments can be made before the time of formal SIP submittal.

The success of this concept of shared review responsibility depends greatly on the content of Attachment B. I invite your continued comments particularly on ways to improve this and the other check lists.

Program Delegation Guidance

About 25 States have taken over responsibility for the PSD program through delegations. State and local agencies have shown an interest in this procedure because it usually results in an expedited program transfer. Full or partial delegation of PSD programs is generally possible in all cases where the reviewing authority requests the program and has the necessary resources. To ensure that we are working from a consistent base with regard to issuing new delegations and updating existing delegation agreements, I would like to restate two major points within the delegation policy for PSD programs:

1. States proposing to implement the program generally will be assumed to have dedicated appropriate resources for the purpose and should be given the opportunity to proceed without detailed predelegation approvals of staffing plans.

2. The EPA's role should be to provide technical assistance as requested and to review State performance for overall adequacy and consistency. Comments on individual permits should be limited to identification of explicit legal or technical deficiencies. The EPA is to avoid routine second guessing on State-issued permits.

SIP Classification and Processing

There appears to be some confusion on how to apply previous memos on SIP classification and processing to PSD and NSR rules. To ensure national consistency, the proposal stage for almost all PSD and NSR SIP's (or parts thereof) must be classified as major actions. Some special cases, as well as some final actions, may be classified as minor. This does not include, however, finals of proposals which have been changed due to significant comment unless all commenters have had a chance prior to the final package to review the changed version.

A matrix that shows how this guidance applies to PSD and NSR SIP's is included in this package as Attachment C. We are also encouraging parallel processing of these SIP's as we realize it is much easier to make changes in rules at early stages of the State's regulatory development process.

Incorporation by Reference

A complaint often voiced by Regions on behalf of States is that the NSR/PSD SIP development and approval process takes too long or the rules take too long to write because of the comprehensive Federal requirements which must be met. One solution to such problems is to use model incorporation-by-reference language. As you can see in Attachment D (guidance and sample regulation), the State rules using incorporation by reference can be quite abbreviated. Attachment C indicates that if a State uses the model language, the package can be classified as direct final which will shorten the review processing time.

Planned Changes in Rules

As we all know, changes are continually occurring in the Part C and D SIP requirements. These changes generally happen in response to court decisions or out-of-court settlements. I wish to repeat how we should process SIP actions which are affected by certain litigation and pending rulemaking actions for which there is already established EPA policy. Policies are still under development due to litigation on topics such as tall stacks and vessel emissions. Such guidance, of course, will be released as appropriate.

An important event affecting Part C and D SIP requirements is the Chemical Manufacturers Assn. vs. EPA (CMA) settlement. This settlement states that EPA has agreed to propose certain changes to the SIP requirements. These changes include the deletion of the requirements that all emission reductions used for netting or offsets be Federally enforceable and that emissions reductions caused by shutdowns or curtailments which are to be used for offsets may only be allowed if the reduction occurs after August 7, 1977, and the new facility is a replacement for the old facility. Although the proposed rulemaking on most of these issues was published in the Federal Register on August 25, 1983, when approving SIP's, we may not presume that the CMA settlement provisions have already occurred. In fact, on October 22, 1984, EPA promulgated a final rulemaking on certain CMA proposals which affirmed the original regulations. Therefore, if a State SIP has a provision that would be approvable if the CMA negotiated changes are promulgated, but the SIP is not approvable under the current 40 CFR Part 51 provisions, the SIP may not be fully approved. Typically, these SIP's are conditionally approved. This condition should contain the requirement that the relevant provision(s) will be changed within a year to meet whatever Federal requirements are in effect at that time. The State must also make an enforceable commitment (e.g., a letter from the State Attorney General) to implement their regulations to meet the current 40 CFR Part 51 requirements in the interim period (i.e., without the CMA settlement changes).

This system will limit the legal vulnerability of these SIP approvals. If such a conditional approval is not acceptable to the State, the Office of General Counsel (OGC) continues to support a Regional strategy to defer action on the relevant provisions if the State currently has an approved Part D SIP. If the Region chooses to defer action, then the Federal Register notice should inform (1) the public of the timetable for reviewing the provision again, and (2) prospective permitees of their responsibility to meet the Federally approved SIP requirements in the interim. The Region may also selectively disapprove the variant provisions if the provisions relax a previously Federally approved SIP.

In the November 2, 1983, Federal Register package containing EPA's policy on compliance with the statutory provisions of Part D of the Act, footnote 4 provides guidance on State responsibility for updating SIP's to comply with the current requirements (stated in the August 7, 1980, Federal Register). States which currently have conditions on PSD or NSR SIP's must meet all the conditions that are unrelated to the CMA settlement. For the conditions that could be affected by the CMA settlement, EPA will extend

the conditions until the CMA proposal is completed. For these CMA affected conditions, the State must agree to an enforceable interim implementation agreement to ensure that the current requirements contained in 40 CFR Part 51 will be met until the CMA final notice.

Common Errors in NSR/PSD SIP's

During the review of SIP revisions, my staff has observed several problems which occur frequently, impact critical elements, and must be avoided in order to fully approve a NSR/PSD rule. These are listed in the right-hand column of Attachment E. To avoid further difficulty with some of the more common errors, I wish to clarify EPA's policy in these areas.

1. EPA-Approved Models. To comply with the Act, all SIP's must state that if a party wishes to use a nonguideline air quality model during a PSD air quality analysis, then they must receive permission from EPA.

2. Class I Area Protection. All SIP's for State and local agencies whose jurisdiction comes within 100 kilometers (km) of a Class I area must contain all the Class I protection provisions. These include identification of Class I areas, notification to the Federal land manager (FLM) or EPA of any PSD source located within 100 km of a Class I area on or before its application is considered complete, protection of Class I increment (including protection from various exemptions such as portable sources and sources with proposed innovative control technology waivers) and sending copies of all materials to FLM's as they become available. If no Class I area is located within 100 km, then an enforceable commitment should be made that if a new Class I area is created within 100 km, the State will add these provisions to its SIP.

3. Offsets and Reasonable Further Progress (RFP). All SIP's must state explicitly that each offset transaction must be consistent with the RFP demonstration. Also, if a SIP allows exemptions from offsets, the SIP must require that any emissions resulting from these exemptions will also be consistent with RFP.

4. General Exemptions. Many SIP's contain general exemptions from all PSD and NSR requirements. We can only allow these exemptions if the SIP explicitly states that these general exemptions cannot be used to exempt any major source or major modification, as defined in 40 CFR Part 51, from any requirements in Part 51.

5. Baseline Date. A SIP may not contain a baseline date from the past unless the date was set by a complete PSD application or if the relevant reviewing authority demonstrates that the approach taken is at least as stringent as the one identified under the Federal definitions.

6. Jurisdiction on Indian Lands. Several issues have recently emerged regarding the extent that States have SIP jurisdiction over Indian lands contained within their State. The Office of Federal Activities has

advised the Office of Air and Radiation that States presumptively do not have this authority. Thus, unless a State can show that it has authority on Indian lands, EPA must state in the CFR that EPA retains authority for issuing PSD permits in Indian lands. If the State wishes to accept jurisdiction over Indian lands, the demonstration proving this authority must be approved by EPA prior to proposing approval of the PSD SIP.

7. Jurisdiction of Existing PSD Permits. When EPA approves a PSD SIP, it is necessary to determine jurisdiction over any existing PSD permits previously issued by EPA. If the State wishes to have responsibility for these permits and will commit to reissue these permits under the State program, EPA should announce the transfer of authority in the Federal Register. If the State wishes to have responsibility for these permits and either will not or cannot commit to reissue these permits, EPA can still transfer control by retaining 40 CFR 52.21 in the SIP and delegating authority to the State (i.e., using a memorandum of understanding as in a program delegation). In this case, the supplementary information in the final rulemaking Federal Register notice should announce the delegation of authority for the existing permits. If a State declines the opportunity to take responsibility for EPA-issued permits, EPA will again retain 40 CFR 52.21 authority for these permits. In either of these last two cases, the CFR language contained in the final Federal Register promulgation package should contain provisions which retain EPA's authority and exclude the State's authority for these existing permits.

Equivalent State/Local Rules

Our current system for measuring the approvability of candidate State/local rules is based on line-by-line equivalence with the 40 CFR Part 51 regulations for NSR (§51.18(j)) and PSD (§51.24). Both sets of requirements contain the program requirements mandated by the Act as well as additional requirements not specifically contained in the Act but needed to make the permitting process operative. Yet, to date we have allowed language deviations only where they could be shown that the proposed variant provisions would cause no difference in terms of real world impact. Specifically, approval of a State/local rule which contained a combination of weaker and stronger provisions (as compared to 40 CFR Part 51 requirements) was not allowed, even if this rule were more stringent overall. Considerable analysis considering alternative approaches pertaining to this subject has been done. However, the Regional Offices, OGC, and CPDD question the need for completing this project. To date, the most promising use of an overall rule equivalence policy is to rationalize conditional approvals of qualifying rules during which time EPA and the State pursue the need to make regulatory amendments. Accordingly, until a more definite need is determined, we are not recommending further action on the equivalency issue.

I hope that this guidance will be helpful. Any comments on these actions, including other ideas or concerns you may have on improving NSR/PSD

programs transfer, should be forwarded to Mike Trutna at 629-5591. I look forward to seeing continued improvements in NSR/PSD program development and transfer.

Attachments

cc: G. Emison
B. Pedersen
E. Reich
P. Wyckoff

PN 165-84-06-11-014

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 11 1984

OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: Applicability of PSD Increments to Building Rooftops

FROM: Joseph A. Cannon
Assistant Administrator
for Air and Radiation

TO: Charles R. Jeter
Regional Administrator, Region IV

The following is in response to your letter of November 10, 1983, concerning issues which you felt required review for national consistency relating to a new source review for an Alabama Power facility in downtown Birmingham, Alabama.

On September 29, 1983, your office informed the State of Alabama that a new source's compliance with the PSD increments must be measured on the tops of buildings, as well as at ground level. Since then we have discussed the question extensively among ourselves and with representatives of the State of Alabama and the company. For the reasons that follow, I do not believe we are in a position to definitively assert that PSD increments apply to rooftops without further information as to the consequences for the PSD system as a whole. Accordingly, I recommend that we inform Alabama that we do not now require that compliance with PSD increments be measured at the tops of buildings. A State may, of course, adopt such an approach if it so desires.

Between 1970 and 1983, it appears to have been general EPA practice to determine compliance with both NAAQS and PSD increments at ground level, not at roof level. On March 18, 1983, however, Kathleen Bennett, in a letter to the State of New York, determined that the "national ambient air quality standards are designed to protect the public health and welfare and apply to all ambient air which does include the rooftops and balconies of buildings accessible by the public."

I believe this conclusion was correct. Apartment balconies, rooftop restaurants, and the like present a potential for human exposure that the primary ambient air quality standards should be interpreted to address.

Given this conclusion, one could argue, based on the text of the relevant regulations and the Clean Air Act, that the PSD increments apply wherever the NAAQS apply, and that both must apply throughout the "ambient air." However, the PSD system, unlike the NAAQS system, does not aim at achieving one single goal. Rather it represents a balance struck first by Congress between a given level of protection against degradation and a given potential for economic growth. It appears that the calculations on which that balancing judgment was based all assumed that PSD increments would be measured at ground level.

A number of state officials who are now administering PSD have argued to me that by measuring PSD increments on rooftops as well as at ground level, EPA would make the PSD system appreciably more stringent than Congress contemplated. Although major urban areas are all Class II areas, this approach, it is argued, could result in constraints on growth comparable to those that apply in Class I areas - national parks and wilderness areas. Such an outcome would not, it is argued, be consistent with Congressional intent.

In these circumstances, I think that preserving the status quo is particularly advisable because:

° It is likely that Alabama did not contemplate adopting a "rooftops" approach to PSD when it took over the PSD program. That expectation, though not decisive, does provide some reason not to change the situation without formal rulemaking.

° The consequences of an erroneous decision to consider increment consumption on rooftops will be more severe than those of an erroneous decision not to consider them. The adoption of such an approach will present at least a procedural, and, probably a substantive obstacle to development in urban areas, while in its absence air quality will still be protected by the NAAQS, by the PSD increments applied at ground level, and by the other aspects of PSD review such as Best Available Control Technology.

Therefore, I have concluded that since the State of Alabama has authority under an approved implementation plan for administering the PSD program within Alabama, it is their responsibility to apply this principle of maintaining the status quo to this case, taking all the relevant facts into account.

Please advise the State of Alabama of the Agency's position on these points as our response to the issues which they raised in meetings with both of us.

cc: A. Alm
P. Angell
T. Devine
G. Emison
W. Pedersen
P. Wyckoff
S. Meiburg

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

JAN 20 1984

MEMORANDUM

SUBJECT: PSD Increment Consumption Calculations

FROM: John R. O'Connor, Acting Director
Office of Air Quality Planning and Standards (MD-10)

TO: Thomas W. Devine, Director
Air and Waste Management Division, Region IV

Your November 13, 1983, memorandum proposes that spatial and temporal calculation of PSD increment consumption is the appropriate methodology to be used in the ambient analysis for the Alumax PSD permit. This methodology is used by Region IV as well as all States within Region IV We also understand (memorandum from A. Smith to S. Meyers, dated May 3, 1983) that Region X is now implementing this method for all of their PSD permit processing.

We agree that the spatial and temporal calculation of PSD increments is appropriate not only for Alumax but for all cases where PSD increment consumption calculations need to be made. This methodology is consistent with the manner in which the total concentration is calculated for comparison with ambient standards and is consistent with the method used to calculate incremental concentrations for Level II emission trades (memorandum from Sheldon Meyers to the Director, AWMD/AMD, Regions I-X, dated February 17, 1983). This methodology is also consistent with our interpretation of the Clean Air Act and definition of increment and baseline concentrations in the PSD regulation.

If you have any questions concerning the use of this method for tracking the use of PSD increments or you are aware of any situations where it results in a significant impact on a past decision, please contact me or Dean Wilson of my staff.

Attachment

cc: Director, Air & Waste Management Division, Regions II, III, VI-VIII, X
Director, Air Management Division, Regions I, V, IX
Chief, Air Programs Branch, Regions I-X
Richard Rhoads
Sara Schneeberg
Mike Trutna
Darryl Tyler
bcc: Regional Modeling Contact, Regions I-X
B. Hogarth

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IV - ATLANTA, GEORGIA

DATE: NOV 15 1983

SUBJECT: Spatial and Temporal Calculation of Air Quality Concentrations

FROM: Director, Air and Waste Management Division

TO: Dr. Bernie Steigerwald, Director (MD-10)
Office of Air Quality Planning and Standards
Environmental Protection Agency
Research Triangle Park, North Carolina 27711

SUMMARY

The South Carolina Department of Health and Environmental Control has asked Region IV to provide additional guidance on the calculation of PSD increment consumption. Alumax Corporation, a large industrial source located near Charleston, South Carolina, is concerned that the state is using a procedure for calculating PSD increment that is not consistent with the procedure used by other states.

The procedure used by Region IV, as well as all states within Region IV, has been to calculate the increment on a spatially and temporally consistent basis. This approval is supported by guidance from Sheldon Meyers in a February 17, 1983, memorandum to all regions regarding calculation of increment consumption in the "Emissions Trading Policy." It is also supported by EPA's conditional approval of Florida's PSD rules now undergoing final review by Headquarters.

Alumax believes that the increment need only be calculated on a spatial basis and has pointed to a 1981 PSD permit for Alcoa (now ARGO metals) granted by Region X. However, since the issuance of that permit, Region X has followed the spatial and temporal concept of increment consumption. Region X also has written to OAQPS confirming that Region X will implement the spatial and temporal procedure for PSD sources (May 3, 1983, letter from Alexandra Smith to Sheldon Meyers).

ACTION

Region IV will continue to insist that all increment consumption be done on the basis of a spatially and temporally consistent basis. Since South Carolina has asked that EPA provide written guidance in this area, we believe it is now necessary for OAQPS to provide the regional offices with a confirmation that the spatial and temporal calculation of air quality impact applies not only to the "Emissions Trading Policy," but also to PSD as well as any other air quality related modeling permitting.

BACKGROUND

Telephone call from the South Carolina Bureau of Air Quality Control, October 11, 1983.

Henry L. Harlow

for Thomas W. Devine

Enclosures (3)

cc: Dean Wilson (MD-14)
Research Triangle Park, North Carolina

Rob Wilson
Region X, Air Programs

PN 165-84-01-09 - 012

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 9 1984

OFFICE OF
AIR, NOISE AND RADIATION

MEMORANDUM

SUBJECT: Interpretation of the Policy on Compliance with the Statutory Provisions of Part D

FROM: Joseph A. Cannon
Assistant Administrator for
Air and Radiation

TO: David Howekamp
Air Division Director
EPA Region IX

I have received and reviewed your memorandum of January 6th. Your memorandum accurately reflects my understanding of the November 2, 1983 policy on compliance with Part D requirements. In particular, I agree with your interpretation of those requirements pertaining to new source review rules and discussed in greater length in Section IV.B. and Footnote 4 of the policy. I also understand that the Office of General Counsel concurs in this opinion.

Attachment

cc: Air Division Directors, Regions I, III, V
Air and Hazardous Materials Division Directors, Regions II, IV, VI, VII, VIII, X
John O'Connor
Darryl Tyler
William Pedersen

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D C. 20460

January 6, 1984

SUBJECT: Clarification of Sanctions Policy

FROM: David P. Howekamp, Director
Air Management Division, Region 9

TO: Joseph A. Cannon, Assistant Administrator
Office of Air, Noise, and Radiation (ANR-443)

Considerable controversy has recently arisen in California regarding the interpretation of Footnote 4 of the recent Sanctions Policy ("Compliance with the Statutory Provisions of Part D of the Clean Air Act," November 2, 1983), which discusses rulemaking conditions for new source review rules. Specifically, the first sentence of Footnote 4 has suggested to many readers that EPA will not impose sanctions for any NSR deficiencies arising out of the August 7, 1980 regulations. However, the third paragraph read in concert with Section IV.B seems to imply that SIPs with NSR conditions requiring conformity with the August 7, 1980 regulations must be revised according to the schedule in the existing condition or the area would be subject to the construction ban.

Most 1979 SIPs in California have NSR conditions due on various dates in 1981, requiring submittal of NSR rules consistent with the August 7, 1980 federal regulations. Our interpretation of Footnote 4 with respect to the situation in California is as follows:

- Imposition of the construction ban for failure to fulfill a condition must be preceded by an EPA finding that the unmet condition is germane reflects a serious plan deficiency, and is long overdue. When EPA makes this positive finding, the Sanctions Policy requires that the SIP for these areas be disapproved and that the Section 110(a)(2)(I) construction ban be imposed if the NSR rule is not immediately revised to meet fully the August 7, 1980 regulations. In the case of CMA Exhibit A requirements, however, the area may submit in lieu of rule revisions, an enforceable commitment for full implementation of the August 7, 1980 regulations.

- We believe that Footnote 4 further states that, for example, a California NSR-conditioned area submitting

an NSR rule meeting all August 7, 1980 requirements except for the mandatory shutdown restrictions (40 CFR 51.18(j)(3)(ii)(c), would be subject to the construction ban unless a commitment for the interim implementation of the restriction was submitted.

- With respect to source definition, we understand that EPA has suspended processing of new NSR rules that would be inconsistent with the decision in NRDC v. Gorsuch. Nevertheless, an NSR-conditioned area may avoid the construction moratorium either by adopting a dual definition, which EPA is willing to approve during this period before the Supreme Court decides the source definition case, or by retaining the conditionally approved source definition that meets either the January 16, 1979 or the October 14, 1981 federal source definitions. In the second case, EPA would formally extend that portion of the existing NSR condition requiring the area to correct its source definition until such time as the Supreme Court decides the case.

In order to insure national consistency, I would appreciate your confirmation that our interpretation is correct. A response is urgently needed to provide unequivocal guidance to the State and to local boards of supervisors currently updating their NSR rules and facing potentially imminent sanctions arising out of unsatisfied NSR conditions.

cc: W. Pedersen, A-133
D. Tyler, MD-15
R. Bauman, MD-15
M. Trutna, MD-15
E. Ginsburg, MD-15

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE Dec 16 1980 Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

SUBJECT Interpretation of "Significant Contribution" PN-165-80-12-16-007

FROM Richard G. Rhoads, Director
Control Programs Development Division (MD-15) COPY

TO Alexandra Smith, Director
Air & Hazardous Materials Division, Region X

We have received your memo of October 27, 1980 regarding the applicability of PSD and the Emission Offset Interpretative Ruling when the proposed sources (such as Northern Tier) would be locating in a PSD area and would cause or contribute to a new or existing violation of the National Ambient Air Quality Standards (NAAQS). You asked for clarification of existing policy in two areas. This memo is intended to finalize the draft transmittals we have exchanged since receiving your request.

Your first question asked whether EPA is using the concept of significant contribution within the PSD regulations when assessing whether a proposed source, locating in a PSD area, would "contribute to air pollution in violation of the NAAQS." As discussed in the PSD workshops and the PSD workshop manual, EPA continues to apply the significant impact concept using the values defined in the 1978 preamble, 43 FR 26398, and in 40 CFR Part 51 Appendix S. If the proposed source or modification has no significant contribution to the nonattainment problem, then the proposed project does not contribute to this violation. Provided that it would not cause any new NAAQS violations, such a source is not subject to the requirements of 40 CFR 51.18(k) or 40 CFR Part 51 Appendix S; the proposed project must, however, still demonstrate that it will not cause or contribute to air pollution in violation of the PSD increments. See 40 CFR 52.21(k)(2).

Your second question asked about the need for a significant impact by the proposed source to occur simultaneously with the actual violation at a particular nonattainment site. In general, a PSD source with significant new emissions of the applicable pollutant which constructs in an area adjacent to a nonattainment area should be presumed to contribute to the violation if it would have a significant impact at any point in the non-attainment area. However, if the proposed PSD source can demonstrate that its new emissions would not have a significant impact at the point of the violation when that violation is actually occurring, then the proposed source would meet the requirements of 40 CFR 52.21(k)(1) provided that it would not cause any new violations of the NAAWS. This answer would apply whether the nonattainment area was newly discovered or was formally designated nonattainment under §107. I should like to add that, while such a demonstration is allowed, it will be extremely difficult to prove an insignificant contribution, especially in the short term.

Several examples will clarify this response. For instance, a proposed new major stationary source may locate near a designated nonattainment area for SO_2. Suppose that the source owner has shown in his PSD application

that his SO_2 impacts are significant only on the edge of the §107 area which is demonstrated to actually be in attainment of standards. The source owner also demonstrated that his impacts are not significant in the area of actual violation of the SO_2 standards. A second scenario is the case where the owner demonstrates that on the days when the 24-hour SO_2 standard violation is actually occurring, the proposed source's 24-hour averaged impacts are not significant. The owner has also shown that on other days when the air quality meets the 24-hour SO_2 standard, his impacts are significant but do not cause the air quality to exceed the 24-hour standard. The third example is where the area was only nonattainment for the SO_2 annual standard. The source owner shows his impacts on the nonattainment area are significant for the 24-hour averaging time and insignificant on an annual basis. For all three scenarios, the source owner has demonstrated that he will not contribute to air pollution in violation of the NAAQS and has met the PSD review requirements of 40 CFR 52.21(k)(1) for SO_2, providing that he will not cause any new violations. This source would also not be subject to nonattainment NSR requirements under 40 CFR 51.18(k).

If you have further questions, please contact Mike Trutna (FTS 629-5291) for more information.

cc: D. Hawkins
W. Barber
Director, Air & Hazardous Materials Division, Regions I - X
Director, Enforcement Division, Region I - X
NSR, PSD Regional Contact, Region I - X

COPY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

PN 165-81-04-03-006

APR 3 1981

Mr. Russell E. Dickenson, Director
National Park Service
U.S. Department of Interior
Washington, D.C. 20240

Dear Mr. Dickenson:

Thank you for your letter of February 26, 1981 outlining your concerns over the limited time that the National Park Service (NPS) has to review prevention of significant deterioration (PSD) permit applications for facilities which may impact Class I areas. Therein you suggested that EPA reconfirm our policy to notify the NPS as early in the permitting process as possible as outlined in the memo from Dave Hawkins to the Regional Administrators dated March 19, 1979. You also suggested that EPA amend 40 CFR Part 51 regulations for an approvable State PSD program and 40 CFR Part 52 PSD regulations to require EPA and States to provide the appropriate Federal Land Manager (FLM) with copies of relevant permit applications on or shortly after the date of receipt of the permit application.

I would first like to reaffirm the existing policy for timely EPA transmittal of PSD permits affecting Class I areas as identified in the Hawkins' memo of March 19, 1979. By this letter, I am advising the Regions that these permit applications should be sent to the appropriate FLM NPS Regional Office, NPS Air Quality Division Permit Review Unit, and all other appropriate personnel as described in your letter (see enclosure) as soon as possible. Normally the EPA Region should transmit the permit application within 10 days of receipt of such applications.

In response to your second suggestion, I do not believe that additional rulemaking is necessary to ensure that your staff has notice of each PSD source with potential Class I area impacts well before the preliminary determinations. As noted above, EPA's policy is to provide copies of the permit application to the applicable FLM contacts soon after its receipt. This policy clearly covers those situations where EPA now implements the PSD review.

Similarly, further rulemaking is not necessary to guarantee that State PSD programs provide this same type of notification. 40 CFR 51.24(p)(1) now requires that each PSD State Implementation Plan (SIP) is to provide that "the reviewing authority shall transmit to the Administrator a copy of each permit application relating to a major stationary source or major modification and provide notice to the Administrator of every action related to the consideration of such [application]."

EPA would read the quoted language to mean that the reviewing authority is to transmit a copy of each PSD permit application before it takes any significant action on the application. Also, EPA would regard any determination of the completeness of an application as a significant action. As a result, EPA would interpret 40 CFR 51.24(p)(1) as requiring each PSD SIP to require in turn that the reviewing authority must submit each PSD application to EPA before it makes a completeness determination. Of course, once EPA receives an application for a project that might significantly affect a Class I area, it would provide you with notice of it in accordance with this letter and the March 19, 1979 policy.

I hope that this response has been helpful. If I can be of any further assistance, please do not hesitate to contact me.

Sincerely yours,

Edward F. Tuerk
Acting Assistant Administrator
for Air, Noise and Radiation

Enclosure

cc: Regional Administrator, Regions I - X

bcc: R. Smith (ANR-443)
I. Artico (A-107)
B. Steigerwald (MD-10)
R. Campbell (MD-10)
B. Hogarth (MD-15)
N. Mayer (MD-15)
P. Wyckoff (A-133)

CPDD:MTrutna:js:x5591:500NCMDurham:(MD-15):3-30-81
Control No. AX 116 Due Date: 3-19-81

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

PN-165-78-12-22-001

DATE DEC 22 1978

SUBJECT: BACT Information for Coal-fired Power Plants

FROM: Walter C. Barber, Director
Office of Air Quality Planning and Standards (MD-10)

TO: Director, Air & Hazardous Materials Division, Regions I-X

Currently, there seems to be some confusion regarding how much information is required in order to make BACT determinations for power plants. Such confusion has created situations where one Region may have conditionally approved a power plant's construction plans while another would not. This memo is intended to provide an example of the type and amount of information required from power plant applicants in order to determine whether the source is applying BACT.

Under the new PSD regulations, BACT is necessarily decided on a case-by-case basis after weighing relevant socio-economic costs and environmental impacts. Consequently, information must now be submitted by a PSD source describing its plans for control equipment in sufficient detail so as to define the plant-specific BACT limit. As indicated in separate guidance for making case-by-case BACT determinations, the utility is also required to demonstrate that the proposed controls are not less stringent than the applicable NSPS and that more stringent control alternatives are not appropriate.

While the new PSD regulations require a reasonable degree of assurance that the source can and will install BACT, they also permit the Agency to establish a system for initial BACT review followed by a more detailed control equipment analysis. While such a system does not relieve the source from its responsibility to demonstrate to the Agency that it is applying BACT, it does act to streamline the review process and minimize the delays incurred by power plants which cannot supply ultimate equipment designs and blueprints at the time that a permit to construct is secured. This system will also provide the utility with sufficient flexibility to take advantage of expected improvements in control technology.

The key question then becomes how much information is necessary to establish the BACT limit during the initial preconstruction review. In general the information should include the preliminary engineering and plant design criteria which will constitute the basis for soliciting and reviewing vendor proposals for control equipment. In addition, an example should be included which specifies how the preliminary design criteria would be applied to the particular plant in question or to a similar facility where the design has been completed and the exact detailed specifications are available. Where a utility has not settled on a single control system, it may submit alternatives for review.

Attachment A is provided as an example of the type of information which can be used both to define a specific BACT emission limit and to assess whether the plant can be reasonably expected to meet this limit. Power plants can be permitted when this initial information confirms that BACT will be employed and that the applicable ambient constraints will be met. This approach must be conditioned on the company's later submission of final detailed engineering design specifications prior to commencement of construction of the control equipment. While the final engineering design and vendor specifications will vary from the preliminary information, the utility must show it to be equivalent in performance and reliability established as BACT in the initial determination. These variations may include basic changes in equipment design such as a shift from an ESP to a baghouse, a change from a lime/limestone scrubber to a regenerable scrubbing system or a change in the design approach to insuring reliability.

All of the information outlined in Attachment A may not be available and is not required in all instances. The reviewing authority should seek only those data elements which are necessary to support air engineering judgment that the proposed system will perform reliably at the specified emission rates.

Since the submission of the final engineering design specifications is a condition of the permit, this would not constitute a reopening of the permit process, and I do not see the need for an opportunity for public comment on this material. However, I do recommend that the approval notice contain the location and approximate time period in which this final design information would be available.

The above guidance represents some change for several Regions. Therefore, I am requesting that during 1979 you submit to OAQPS your BACT determinations for SO_2 from coal-fired power plants (together with the applicable BACT information identified in Attachment A) for review prior to your preliminary determination. If some of your States are making these BACT determinations, I ask that you send us the appropriate BACT information before they make their final determination. The above information should be sent to Mike Trutna (629-5497) who will coordinate OAQPS's activities regarding these determinations in the near future. Suggestions on additions or modifications to this guidance also should be addressed to Mr. Trutna.

Attachments

cc: Director, Enforcement Divisions, Region I-X
D. Hawkins
R. Rhoads
M. James
E. Reich
E. Tuerk

PRELIMINARY BACT INFORMATION*

A. GENERAL INFORMATION

1.a. Name of Power Plant and Parent Company _____

b. Name, address, phone no. of company contact _____

_____

2. Location of Source

a. City _____ b. State _____

B. STEAM GENERATOR DATA

1. Type of boiler (manufacturer, if known)
2. Size of boiler (heat input 10^6 Btu/hr)

C. FUEL DATA

Provide long term averages and ranges for specified short term and long term averaging periods for the following (1-6):

1. Primary fuel (coal or oil)
2. Start up fuel
3. Alternate fuels
4. Brief description of what fuels will be fired including estimated percentage heat input
5. Solid fuel data (all solid fuels to be fired)
   a. Ultimate analysis (as burned) % by weight sulfur also include chlorine, ash, moisture and gross heating value (Btu/lb)
   b. Estimated resistivity of particulate as a function of gas temperature (if known)
   c. Estimated ash analysis (% by weight - dry)
6. Particle size analysis for ash
7. Liquid fuel data (all liquid fuels)
   a. Type and grade
   b. Density (lb/gallon)
   c. Gross heating value (Btu/gallon)
   d. Ash content (percent by weight)
   e. Sulfur content (percent by weight)
   f. Nitrogen content (percent by weight)
   g. Moisture (percent by weight)
   h. Will additives by used? If so, furnish data on chemical composition and approximate quantitites (percentage of total fuel to be used).
8. Is a contract signed for the coal? If no contract is signed, we would need the information for questions 1-6 for all coals that are being contemplated for usage and percentage usage where coals are to be blended.

*Note that not all information may be available in all cases. Information requirements should be adjusted as appropriate to fit the circumstances of the applicant at time of permit application.

D. PRECIPITATOR DATA

Part I - Preliminary design or design criteria

1. Design emission rate (lbs/mBTU) for particulate matter (before and after proposed controls)

2. Total gas flow from steam generator at full load and at ESP operating temperature (ACFM)

3. ESP operating temperature (±F) range

4. Number of separate ESP modules under consideration

5. Approximate specific collection area (SPA)

6. Number of separate electrical sections for each module under consideration.

7. Type of power control and instrumentation

8. Estimated linear velocity of gas through each module at full load (actual feet/sec) or range of acceptable velocities

9. Briefly describe techniques used to ensure uniform linear velocity within ESP.

10. Nature and terms of performance guarantee

11. Briefly describe system used to remove and convey collected ash to final disposal.

Part II - Reference plant example

1. General flow diagram for the precipitator

2. Provide design criteria or preliminary engineering data for the major elements of the ESP for the particular plant under consideration or a similar plant where the major elements have been designed and detailed specification are available.

E. BAGHOUSE DATA

Part I - Preliminary design or design criteria

1. Design emission rate (lb/mmBtu) for particulate matter (before and after proposed controls)

2. Estimated total gas flow from steam generator at full load and at baghouse operation temperature (ACFM)

3. Baghouse operation temperature (±F) range

4. Number of separate baghouses

5. Number of isolated compartments per baghouse

6. Design criteria for air to cloth ratio or range of acceptable ratios (Cloth area divided by total ACFM)

7. Cloth description

8. Type of bag cleaning under consideration and subsequent cleaning controls

9. Strategy for detecting and replacing faulty bags

10. Description of ash handling and disposal system

11. Nature and terms of performance guarantee

Part II - Reference plant example

1. General flow diagram for the baghouse

2. Provide design criteria or preliminary engineering data for the major elements of the baghouse for the particular plant under consideration or a similar plant where the above elements have been designed and detailed specifications are available.

F. SULFUR DIOXIDE SCRUBBER DATA

Part I - Preliminary design or design criteria

1. Design emission rate (lb/mm Btu) of SO_2 (before and after proposed controls)
2. Design data or criteria for the scrubber modules to include:
   - scrubber type (TCS, spray tower, etc.)
   - absorbent type
   - possible scrubber liquor additives (e.g., mg)
   - prescrubber design criteria, or acceptable ranges for l/g, inlet and outlet chloride, etc.
   - design criteria for acceptable ranges for inlet and oulet gas flow and temperature and volume percent H_2O, O_2, and SO_2
   - specific design criteria or acceptable ranges for liquid/gas ratio
   - estimated scrubber gas velocity
   - design criteria or acceptable range for scrubber inlet and outlet pH
   - design criteria or acceptable range of pressure drop across the scrubber (inches of H_2O)
3. For turbulent contact absorber (TCA) also supply:
   - design criteria or acceptable ranges for diameter of spheres
   - design criteria or acceptable ranges for the height of sphere in TCA
   - design criteria or acceptable ranges for number of grids or screens in TCA
4. Indicate total number of scrubber modules and number of spare modules during maximum boiler loading.
5. What special precautions will be taken with module internals and other components (pumps, mist eliminators, fans, etc.) to ensure that corrosion, scaling, and plugging does not cause failure of the system?
6. What special precautions will be taken with the control systems, e.g., spare probes, probe site location, probe sheaths, backup instrumentation to ensure that failure will not lead to excess emissions or fouling of components via scaling?

7. How will other key variables, such as process stochiometry, liquid to gas ratios (l/g), etc., be monitored to ensure good operations?

8. Indicate which key components of the scrubber will be spared, e.g., pumps, fans, nozzles, etc.

9. Location and mechanism of reheat, auxiliary fuel requirements, and percentage of exhaust gas reheated. If reheat will not be performed, indicate what measures are being taken to eliminate stack corrosion or provide data to verify that stack corrosion will not be a problem area.

10. Outline routine maintenance and inspection procedures for the scrubber system hardware to ensure continuous and reliable scrubber performance.

11. Describe the general design standard for the material to be used and type of mist eliminator system and describe the techniques under consideration to guarantee uniform gas distribution across the mist eliminator and to the scrubber modules.

12. Nature and terms of performance guarantees

Part II - Reference plant example

1. General flow diagram of the scrubber system including mix tanks prequench section, scrubber modules, mist eliminator and reheat. General design standards for materials to be used to construct above elements.

2. Provide design criteria for the major scrubber and system components (e.g., pumps, tanks, alkali handling systems, etc.) for the particular plant under consideration or a similar plant where the above items have been already designed and detailed specifications are available.

G. Other Sulfur control methods*

I. Description of control method

II. Amount of sulfur removal credit

*These "other sulfur control methods" are those designed to augment SO_2 scrubbers in order to achieve a given rate of SO_2 removal. An example of such a method would be coal cleaning.

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 167
(VOLUME 1)

** CLEAN AIR ACT SECTION 167

* PN167-83-12-14-001
GUIDANCE ON ENFORCEMENT OF PREVENTION OF SIGNIFICANT DETERIORATION REQUIREMENTS UNDER THE CLEAN AIR ACT

PN 167-83-12-14-001

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 14 1983

MEMORANDUM

SUBJECT: Guidance On Enforcement of Prevention of Significant Deterioration Requirements Under the Clean Air Act

FROM: Michael S. Alushin
Associate Enforcement Counsel for Air

Edward E. Reich, Director
Stationary Source Compliance Division

TO: Regional Counsels
Regions I-X

Directors, Air Management Divisions
Regions I, V and IX

Directors, Air and Waste Management Divisions
Regions II-IV, VI-VIII, and X

This guidance discusses enforcement of Part C of Title I of the Clean Air Act, dealing with the prevention of significant deterioration (PSD) of the ambient air quality. The guidance explains the use of Section 167 of the Clean Air Act as an enforcement tool and provides assistance in choosing between §167 and the alternatives available for enforcing against PSD violations. Violations of Part C include construction or operation of a PSD source (as defined under the Act and the PSD regulations) without a permit, construction or operation with an invalid permit, and construction or operation in a manner not consistent with a validly issued permit.

We believe that §167 of the Act provides EPA with a significant enforcement mechanism in addition to §113, the Agency's main enforcement tool, but it does not preclude resort to any remedies available under §§113 or 120. Section 167 should be used in situations where a source is constructing or operating without a valid permit or in violation of a valid permit and EPA's main interest is a quick imposition of injunctive relief to stop the violation. Where time is not of the essence and/or the Agency wishes to collect penalties in addition to exacting injunctive relief, §§113 or 120 provide more appropriate remedies.

Thus, depending upon the circumstances of a particular case, EPA may commence one or more of the following actions against a source that is in violation of PSD requirements:

(a) Issue an order or seek injunctive relief under §167 to prevent the source from constructing or operating in violation of the PSD requirements;

(b) Issue an order to comply under §113(a);

(c) Seek civil remedies under §113(b);

(d) Seek criminal penalties under §113(c);

(e) Assess and collect noncompliance penalties under §120.

I. Analysis of Section 167

Section 167 of the Clean Air Act provides:

> The Administrator shall, and a State may, take such measures, including issuance of an order, or seeking injunctive relief, as necessary to prevent the construction of a major emitting facility which does not conform to the requirements of this part, or which is proposed to be constructed in any area included in the list promulgated pursuant to paragraph (1)(D) or (E) of subsection (d) of Section 107 of this Act and which is not subject to an implementation plan which meets the requirements of this part.
>
> 42 U.S.C. §7477(1978)

Depending upon whether or not EPA has approved a State's Part C (PSD) State Implementation Plan (SIP) provisions under Section 110(a)(2) of the Clean Air Act or delegated the PSD program to the State, Section 167 creates two separate and distinct enforcement obligations for EPA. This is consistent with EPA's policy of allowing the States primacy where they have the main responsibility for a program. In those States that have not been delegated the PSD program or do not have approved SIP PSD provisions as required by §161 (PSD requirements for SIPs), EPA has the authority to regulate the construction of all major emitting sources that are subject to PSD review under the Act. Any person wishing to construct such a source in one of those States will be required by §165 (preconstruction requirements) to obtain a PSD permit from EPA. If the proposed source would violate the provisions of the PSD regulations, EPA must deny the permit. If EPA issues a permit, the Agency will be

responsible for initiating appropriate proceedings should the source subsequently violate any permit provisions. Likewise, the Agency is responsible for taking enforcement action against a source which commences construction without first obtaining a PSD permit.

Once its PSD SIP provisions have been approved or delegated, pursuant to §110(a)(2) and 40 CFR 51.24, the State, rather than EPA, assumes primary responsibility for administering the PSD program. The Agency does not completely relinquish its obligations, however. Rather, it assumes an oversight function. PSD permits issued by the State remain federally enforceable. 40 CFR §§52.02(d), 52.21(r), and 52.23. If the State takes appropriate enforcement action, it is unnecessary for EPA to initiate enforcement proceedings. If the State fails to take appropriate action, however, Section 167 provides that EPA must take measures adequate to prevent the construction of the noncomplying source. EPA can take such action at any time the Agency deems it necessary. The Agency is not forestalled by any action initiated by the State from simultaneously or subsequently taking action against a source that already had commenced construction or operation. Thus, EPA retains PSD enforcement authority and, where appropriate, is expected to initiate PSD enforcement proceedings both before and after the PSD SIP revisions have been approved.[1/]

Additionally, §167 requires EPA to take action directly against a source found being constructed or operating pursuant to a PSD permit that conflicts with the requirements of the Clean Air Act, implementing regulations, or approved SIP requirements. This provision gives the Administrator authority similar to that possessed under §113(a)(5) and (b)(5) to prevent illegal construction or operation of new sources in nonattainment areas.

1/ Senator Muskie noted this continuing Federal enforcement obligation. He stated: "[o]nce the State adopts a permit process in compliance with this provision, the Environmental Protection Agency role is to seek injunctive or other judicial relief to assure compliance with the law." 123 Cong. Rec. S 9169 (daily ed. June 8, 1977) (remarks of Senator Muskie). Senator Muskie's reference to "injunctive or other judicial relief" should not be construed as precluding resort to an administrative order mechanism. Such an interpretation would conflict with the clear wording of §167. Rather, we believe that Senator Muskie's reference to "other judicial relief" provides clear support for the proposition that EPA may resort to the civil and criminal penalties provisions of §113(b) and (c).

Under Delegation Number 7-38, the Administrator has delegated authority to issue §167 administrative orders to the Regional Administrators and to the Assistant Administrator for Air and Radiation. The Regional Administrators will, in most instances, be the parties to issue §167 orders and, pursuant to Delegation No 7-38, must consult with the Associate Enforcement Counsel for Air and the Director of the Stationary Source Compliance Division before issuing such orders. The Assistant Administrator for Air and Radiation may issue §167 orders in multi-Regional cases or cases of national significance. In addition, the Assistant Administrator for Air and Radiation must consult with the Associate Enforcement Counsel for Air and must notify any affected Regional Administrators or their designees before issuing such orders.

II. Enforcement Actions Under §167 and §113(b)

A. Construction Without a PSD Permit
Construction Not Consistent with a Validly Issued Permit

1. Pre-Operation Remedies

Section 167 will provide a particularly effective enforcement tool against an owner or operator that has commenced construction without having obtained a PSD permit or is constructing in a manner not consistent with a validly issued permit. In this situation, EPA should take action to halt construction of the source immediately. This may be accomplished most quickly under §167 by means of an adminstrative order or by obtaining judicially-imposed injuctive relief.

When using §167, EPA should normally first issue an administrative order. The Agency should then file a civil action if a violating source does not immediately comply with the order. In cases where EPA has good reason to believe that the order would not be obeyed, however, we should file a civil action for injunctive relief immediately, without first issuing an order.

In appropriate instances, EPA may issue an order or file a complaint under §167 while proceeding concurrently, through §§113 or 120 actions, to collect civil and/or noncompliance penalties. Section 167 gives the Administrator the authority to take immediate action without being constricted by the procedural limitations set forth in §113. In all cases where possible, however, EPA should issue the source a notice of violation (NOV), with a copy being sent to the appropriate State agency. The NOV does not have to be issued concurrently with a §167 order, but

the §167 order should be followed up as soon as practical with the NOV. This notice should explain the full range of possible EPA enforcement actions. Even if circumstances require a §167 court filing before meeting NOV procedural requirements, prompt issuance of the NOV will allow EPA to take action under §113 at a later date if the Agency decides to do so.

In many instances, EPA learns that a source is constructing without a PSD permit or in violation of a validly issued permit early enough in the source's construction schedule to allow the agency time to act solely under §113. In these cases, the Agency may choose to commence a civil action under §113 for injunctive relief and/or monetary penalties instead of acting under §167 where remedies are limited to injunctive relief.

Civil penalties are available against a source for violations even prior to the time it has commenced operation. One type of case occurs when a source is being constructed in violation of the terms of its PSD permit. For example, if the owner delays in meeting a schedule to install control equipment or seeks to install equipment that will not meet the emission limits in the PSD permit, the Agency should take action to require the necessary injunctive relief and to recover monetary penalties. Penalties are appropriate even if no pollutants actually have been emitted because the PSD permit is issued pursuant to the SIP, and thus a requirement of the SIP has been violated. EPA should seek penalties for each day that the source is in violation of PSD permit requirements, commencing on the date on which the source began to install the non-conforming equipment, or August 7, 1977, whichever is later, and continuing until the source satisfies the compliance schedule specified in a judgment or in a consent decree.[2/]

Another type of case arises when a source is being constructed without a permit. Here, also, injunctive relief and penalties are appropriate. The penalty period begins with the date that construction began. "Construction" for the purpose of this

---

2/ Even if the source has derived no economic benefit by installing the nonconforming equipment, EPA still should seek penalties under §113(b). The Penalty Policy provides for other factors which guide the choice of penalty figures. In addition, EPA has promulgated a specific guideline for permit violation penalty settlements. That guideline is contained in Appendix I to this guidance. The guideline was issued on February 1, 1981, by Jeffrey Miller, then Assistant Administrator for Enforcement. Appendix I updates the 1981 guideline to reflect organizational changes, and to elaborate upon some of the examples.

determination is defined as activity beyond that permitted under the policy enunciated in the December 18, 1978 memorandum from Ed Reich to the Regional Offices entitled, "Interpretation of 'Constructed' as it Applies to Activities Undertaken Prior to Issuance of a PSD Permit." (Copy attached as Appendix II.) The penalty period ends when the permit is granted or is scheduled by EPA to be granted. Even if the source is put on a compliance schedule in a consent decree before then it should not be allowed to enjoy the economic advantage of its violation of PSD requirements.

It is important to note that even if construction is halted, the violation continues. Naturally, though, priority should be given to cases where injunctive action is required. Equally important, the Agency should not delay issuance of PSD permits for sources of which illegal construction has begun. In such a case, the penalty period is dependent on the speed of EPA's own action. For this reason, the Permit Penalty Policy states that the Agency may consider mitigation of the calculated civil penalty if a source ceases construction within a reasonable time after being notified of the violation and does not resume construction until a valid permit is issued.

2. Post-Operation Remedies

Civil actions under §113(b) will constitute the primary enforcement mechanism against sources that have already commenced operation without obtaining a PSD permit or in violation of a PSD permit. However, in cases where expeditious action is necessary, orders issued pursuant to §167 are available to achieve immediate cessation of operation. They should only be used for operating sources which have failed to get a permit or are committing a violation so egregious that they must be shut down immediately (e.g., failure to install the control equipment or start-up prior to installation of control equipment or where operation causes an increment to be exceeded). Even in these instances, the action under §167 should be accompanied by a §113 action to collect penalties.

When using §167, EPA should normally first issue an administrative order. The Agency should then file a civil action if a violating source does not immediately comply with the order. In cases where EPA has good reason to believe that the order would not be obeyed, however, we should file a civil action for injunctive relief immediately, without first issuing an order.

We believe that a PSD source which is not known to be in violation can be granted up to 180 days after start-up in which to demonstrate compliance with all applicable emission limitations. This provides an opportunity for the owner or operator to make necessary modifications or correct minor equipment defects that are not apparent prior to start-up. The expectation is that the

source will be in compliance as soon as possible, and the decision as to how much time is necessary for fine tuning is to be made on a case by case basis. (The period of 180 days is analogous to the time allowed a source to demonstrate compliance after start-up under the New Source Performance Standard regulations, 40 C.F.R. §60.8.) During the 180-day period, a source should be required, to the extent practicable, to maintain and operate the source including the associated air pollution control equipment in a manner consistent with good air pollution control practice.

B. Construction With an Invalid Permit

EPA will also be able to utilize the provisions of §167 to prevent a source from constructing with a State-issued permit that EPA feels is invalid. There are basically two types of situations involving construction with an invalid permit. In the most common situation, the source can be expected to obtain a valid permit quickly. In other circumstances, however, it cannot be expected that a valid permit can issue soon. Before deciding on a course of action to be taken with a source constructing pursuant to an invalid permit, an EPA Regional Office needs to make a probability assessment as to the likelihood that a source will be able to obtain a valid permit quickly. For the purposes of allowing construction pursuant to an invalid permit, the period of thirty (30) days (the period analogous to that allowed under a Section 113(a) order) should be considered to be "quickly."

In the situation where EPA believes a valid permit will issue quickly, the procedures to be followed should be similar to those used under §113(a)(5) to prevent the construction of new sources in nonattainment areas. Sources should be issued an order, specifying precisely the nature of the defect in the permit, and given 30 days in which to obtain a valid permit while they proceed with construction. Issuance of an immediate cease construction order, while available, usually would be an unnecessary sanction. A source that has obtained a PSD permit, even though invalid, has presumably undergone some preconstruction review. Moreover, since it is the State, rather than the source itself, that is primarily at fault, immediate sanctions might be inappropriate.

In some situations, however, such as those where EPA believes that a source cannot be operated without violating an increment or where construction will foreclose EPA's options in terms of what BACT requirements will apply to a source, an immediate cease construction order under §167 should be issued and construction should not be allowed to commence or continue until a valid permit is issued.

In cases against sources constructing pursuant to an invalid permit, the error is presumed to have been the State's. Therefore, even though construction may be halted, no penalty is appropriate unless the source is somehow at fault or the source does not cooperate after the discovery of the violation. For no-penalty actions, §167 is an effective enforcement tool.

C. Consent Decrees

In civil actions filed under both §167 and §113, against pre-operational as well as post-operational sources, a likely outcome of the actions will be consent decrees. Allowing a violating source to continue construction or commence operation under the provisions of a consent decree lies within the discretion of the court, though the court's decision can be affected, of course, by the recommendation of EPA and the Department of Justice. The terms EPA should seek in actions under both §167 and §113 will vary according to the nature of the violation and the time that will be required to correct it.

There are two types of situations in which consent decrees would be appropriate. The first occurs when the source's violation causes or contributes to levels of pollution that exceed those allowed under §163 of the Act (which establishes the PSD increments). The other situation arises when the source's violation does not cause or contribute to increased levels of pollution beyond those allowed by §163.

When the pollution increments established by §163 would be or are being exceeded, EPA should immediately seek injunctive relief to prevent the source from starting up or continuing in violation of its emission limitations. EPA should determine the nature of the violation and the amount of time that will be needed to correct it. A source should not be permitted to commence or continue operation until it is in compliance through enforceable emission limitations. To allow commencement or continuation of operation out of compliance would defeat the intent of the Act by sanctioning levels of pollution in the PSD area greater than those established by Congress as the maximum allowable limits.

If the source is exceeding or will exceed its own emission limitation but the increment set forth in §163 is not being or will not be exceeded, EPA has more flexibility in devising a consent decree. While it need not adhere to a strict rule of no start-up until a source is in compliance, the Agency still must take all necessary action to ensure that corrections are made as quickly as possible and must not allow a source to commence operation unless start-up is pursuant to a consent decree.

The actual terms of a consent decree will vary from case to case. The only provisions that must be contained in every decree are a schedule that requires compliance as expeditiously as practicable, monitoring and reporting procedures, and a stipulated contempt fine provision. These fines should be established at a level sufficiently high to ensure compliance with the terms of the decree. (More detailed guidance on provisions to be included in consent decrees is contained in the October 19, 1983 memorandum from Courtney Price, GM-16.)

III. Additional Enforcement Remedies

A. Criminal Penalties Under §113(c)

Section 113(c) is available, where appropriate, against all types of PSD violations, both pre- and post-operation.

Section 113(c) authorizes the Administrator to commence a criminal action to seek monetary penalties and/or imprisonment for knowing violations of applicable regulations and EPA orders. The key requirement is that the Administrator must be able to demonstrate that the violation was "knowing."

A distinction should be drawn between a source that refuses to comply with applicable requirements and one that merely has failed to comply. Refusal to meet any increments of progress of the final compliance date of an administrative order or to meet consent decree or permit requirements should be considered for criminal referral to DOJ. If the source merely is late in complying, however, criminal penalties would not generally be appropriate. Additionally, it is our belief that resort to criminal penalties does not preclude the initiation of concurrent or subsequent civil proceedings for monetary penalties and/or injunctive relief. Questions concerning the possibility of criminal action should be referred to Peter Beeson, Associate Enforcement Counsel for Criminal Enforcement (FTS 382-4543).

B. Noncompliance Penalties Under §120

By the terms of §120, noncompliance penalties can be assessed whenever a source is in violation of an emission limitation, emission standard, or compliance schedule under an applicable SIP. These penalties are based upon the economic benefit the source has derived from noncompliance. Section 120 penalties can be assessed regardless of whether civil and/or criminal sanctions available under §113 are also sought. More discussion of the use of noncompliance penalties appears in regulations published July 28, 1980 (45 FR 50086).

If you have a question about this guidance, please call Judy Katz of the Air Enforcement Division (382-2843) if it is a legal question or Rich Biondi of the Stationary Source Compliance Division (382-2831) if it is a technical question.

APPENDIX I

Penalty Policy for Violations of Certain Clean Air Act Permit Requirements for the Construction and/or Modification of Major Stationary Sources of Air Pollution

I. Introduction

EPA's existing Civil Penalty Policy, dated July 8, 1980, applies inter alia, to stationary sources of air pollution which violate requirements enforceable under Section 113 of the Clean Air Act when such violations are the result of a failure to make capital expenditures and/or failure to employ operation and maintenance procedures which are necssary to achieve initial compliance. The Civil Penalty Policy does not, however, specifically address violations of permit requirements related to the construction or modification of major stationary sources under the prevention of significant deterioration (PSD) program and the nonattainment area new source review program (including the Offset Interpretative Ruling and Section 173).

This document outlines a penalty policy which applies to certain permit-related violations of the Clean Air Act and is intended to establish a method of calculating a minimum settlement amount for such violations. The "Permit Penalty Policy" does not replace or limit the present Civil Penalty Policy in any way, but has been developed to deal with a subject area not covered by the existing policy. As illustrated by the following examples, the failure of a source to satisfy a new source requirement may result in one violation subject to this Permit Penalty Policy, and a second violation subject to the Civil Penalty Policy.

It is important to note that this Permit Penalty Policy is intended to provide guidance on determining a minumum civil penalty settlement figure, as opposed to penalty requests in complaints. As a general rule, civil complaints alleging Clean Air Act violations, including permit-related violations, should always request the statutory maximum penalty of $25,000 per day of violation. In addition, the policy is not intended to suggest that civil penalties are the only, or even the primary, remedy where a source is in violation of Clean Air Act requirements. In such cases, a claim for civil penalties is an adjunct to seeking appropriate injunctive relief. A claim for costs should also be considered.

It is also important to note that the policy outlined in this document, like the Civil Penalty Policy, is used to set a minimum settlement figure. Therefore, the penalty actually negotiated for can always be higher than the figure derived through use of this Permit Penalty Policy.

II. The Permit Penalty Policy

The Permit Penalty Policy covers cases involving sources which begin construction or operation without first obtaining the required PSD permit, as well as those which construct or operate in violation of such valid permits. Construction proceeding in compliance with an invalid permit is considered to be, in the context of this penalty policy, construction without a permit. A primary motivation behind the Permit Penalty Policy has been the recognition that economic savings can be difficult to quantify when the violation involves permit requirements. The Permit Penalty Policy has been designed to provide a method for determining a penalty amount which will be sufficient to deter illegal construction or other permit violations, and yet not be so high as to be unreasonable or unrealistic.

The policy is built around use of a matrix for calculation of the minimum settlement amount. Construction in the absence of a permit or in violation of a permit has been assigned a scale of dollar values. The matrix also provides for the assessment of an additional penalty for certain specified violations of substantive permit pre-conditions or requirements. The appropriate dollar value for a violation is dependent on an estimate of the total cost of air pollution control at those facilities of the source for which the permit is required.[1/] This value is then multiplied by the number of months of violation.[2/] When there are multiple permit-related violations, a penalty figure is calculated for each violation and the individual penalty figures are added together to produce one minimum settlement figure. In those cases where a source subject to a valid permit violates only the requirements of Section 173(1) and/or Section 173(3) (requirements for

---

1/ "Total cost of air pollution control" should include, where relevant, pollution control equipment costs, design costs, operation and maintenance costs, differential cost of complying fuel v. noncomplying fuel, and other costs pertaining to adequate control of the new source. Total cost is to be determined by examination of what would have been required as BACT (for a PSD violation) or LAER (in the case of an Offset Policy or Part D violation). When construction is done in phases, the operative amount is the total cost of air pollution controls for the entire project.

2/ Month-by-month accrual of penalties was selected for purposes of convenience and for consistency with the Civil Penalty Policy. Any fraction of a month in violation is counted as a full month of violation unless circumstances present a case for mitigation of this rule.

construction permits in nonattainment areas) or the corresponding requirements under the Offset Policy, the appropriate penalty amount is determined by reference only to the matrix column(s) citing the violation(s).

The sum produced through use of the matrix represents the minimum amount for which a case normally can be settled. However, it is recognized that equitable considerations, including but not limited to recalcitrance, degree of environmental harm[3/] and likelihood of success should the case be filed, may make an increase or decrease in the matrix figure appropriate. Similarly, a source owner who agrees to make approved expenditures for pollution control above and beyond expenditures made to comply with all existing legal requirements may reduce the amount of the penalty owed. Any such additional expenditures designed as credits to satisfy or offset civil penalties will be evaluated in accordance with the provisions of the Civil Penalty Policy. Regional Offices wishing to modify the figure indicated by the matrix in consideration of the total equities presented by a case or to reduce the penalty because of a credit should do so in accordance with the procedures discussed in Section III of this Policy.

It is recognized that there may also be cases where the economic value of a violation covered by this policy is reasonably quantifiable. Where the quantifiable economic savings figure exceeds the penalty amount established by the attached matrix, the Regional Office should negotiate for the higher calculated econcomic savings figure rather than the matrix figure.

The period of civil penalty liability will, of course, depend upon the nature and circumstances of the violation. For example, if a source has begun actual construction without a required permit or under an invalid permit, the penalty period begins on the date the source began construction and continues either until the source obtains a valid permit or notifies the State or EPA that it has permanently ceased construction and the project has been abandoned.[4/] A temporary cessation in construction does not

---

3/ E.g., significant consumption of a PSD increment by a source that has not received a permit, violation of a Class I increment or serious aggravation of a nonattainment problem.

4/ The period of liability is not to be confused with the period of continuing violation for Section 113 notice of violation (NOV) purposes. A source which constructs without a valid permit is in continuing violation of the Clean Air Act for NOV purposes until it receives a valid permit or it dismantles the new construction.

toll the running of the penalty period. The Agency may, however, consider mitigation of the calculated civil penalty if a source ceases construction within a reasonable time after being notified of the violation and does not resume construction until a valid permit is issued. If a source violates a permit condition, the period of penalty liability for purposes of calculating a settlement figure begins on the first date the violation can be documented and will cease when the violation is corrected.

III. Procedure

Authority to approve minimum settlement figures calculated for cases covered by this Permit Penalty Policy rests with the Assistant Administrator for Enforcement and Compliance Monitoring. (Delegation 7-22-C) The Assistant Administrator has, in practice, called upon the Associate Enforcement Counsel for Air to review settlement figures. Therefore, an indication of the minimum settlement figure, including an explanation of the derivation of the figure obtained from the matrix and any modification of that figure based upon subjective factors, should either be included in the litigation report covering the facility or should be forwarded by memorandum to the Associate Enforcement Counsel for Air.

If a case involves violations that are within the existing Civil Penalty Policy's coverage, as well as a permit-related violation, the Permit Penalty Policy should be used to find the minimum settlement figure for the permit violation(s) and the Civil Penalty Policy should be used to establish a penalty amount for the other violation(s). These two figures should be added together to produce an appropriate overall settlement amount.

PERMIT PENALTY POLICY MATRIX
MINIMUM SETTLEMENT PENALTIES
(per month of violation)

PSD SOURCES

TOTAL COST OF AIR POLLUTION CONTROL FOR NEW OR MODIFIED SOURCE ($ THOUSANDS)	CONSTRUCTION OR OPERATION WITHOUT A PERMIT OR IN VIOLATION OF A VALID PERMIT	INCREMENT EXCEEDED
less than 50	$ 2,000	$ 7,000
50-150	4,000	11,000
150-500	7,000	16,000
500-1,500	11,000	22,000
1,500-5,000	16,000	29,000
5,000-15,000	22,000	37,000
15,000-50,000	29,000	46,000
over 50,000	37,000	56,000

PART D OR OFFSET INTERPRETATIVE RULING SOURCES

TOTAL COST OF AIR POLLUTION CONTROL FOR NEW OR MODIFIED SOURCE ($ THOUSANDS)	CONSTRUCTION OR OPERATION WITHOUT A PERMIT OR IN VIOLATION OF A VALID PERMIT	FAILURE TO SATISFY §173(1) OR OBTAIN OFFSETS	VIOLATION OF SECTION 173(3) OR CONDITION 2
less than 50	$ 2,000	$ 9,000	$ 5,000
50-150	5,000	14,000	9,000
150-500	9,000	20,000	14,000
500-1,500	14,000	27,000	20,000
1,500-5000	20,000	35,000	27,000
5000-15,000	27,000	44,000	35,000
15,000-50,000	35,000	54,000	44,000
over 50,000	44,000	65,000	54,000

(Add numbers when multiple categories apply)

EXAMPLE CASES

The following hypothetical cases illustrate how the matrix is used to continue to calculate a minimum settlement figue.

PSD Source

On July 1, 1980, an existing major source began actual construction of a modification to its plywood manufacturing plant. The modification will result in a significant net emission increase of particulate mater. The source had not obtained or filed for a PSD permit as of the date actual construction began.

On July 2, 1980, EPA investigators discovered the construction during a routine inspection of the plywood plant. The EPA Regional Office determined that the modification was subject to PSD review and issued a Notice of Violation on August 1, 1980. The NOV cited the PSD regulations and outlined possible enforcement alternatives.

The source received the NOV on August 5, 1980, and contacted the Regional Office on August 10, 1980. On August 30, 1980, the Region and the source held a conference at which the source stated that it had not been aware of the need for PSD review and permitting prior to construction. The source also stated that it would file an application for review but that it would not cease construction during the review process.

On October 1, 1980, the source filed a PSD application. During the review process the Region discovered that the source had no plans to install pollution control devices. The Region also determined that without BACT, the modification's particulate emissions would result in an exceedance of the particulate matter increment in the source's area of impact. The source, when informed of the BACT problem, indicated it would install the necessary controls.

However, throughout the review process the source continued construction of the modification. On December 1, 1980, the source began operation of the modified source without the required permit and without controls.

On January 15, 1981, the source was issued a PSD permit. On February 28, 1981, the source ceased operation of the plywood plant to install the pollution control equipment called for in the PSD permit. The source resumed operation on March 15, 1981, in a manner consistent with the PSD permit conditions.

The penalty calculation for this example begins with an assessment of the total cost of air pollution control equipment at the modification. For purposes of this example, assume BACT costs $140,000.

Next, the type and number of matrix categories must be determined. In this example the source (1) began actual construction without a permit, (2) operated the plant without a PSD permit and (3) exceeded the growth increment for particulate matter. Therefore, this source is subject to both of the columns of dollar values under the heading "PSD Sources."

In addition to the permit violations described above, commencement of operation prior to the installation of BACT constitutes a separate violation subject to the Civil Penalty Policy. (The Civil Penalty Policy should be used to determine an additional appropriate minimum settlement amount for the period of time the source operated without BACT.)

Once the type, number and dollar values of the penalty are determined, these figures are multiplied by the number of months in violation. The sums are then added together to produce the matrix penalty amount.

In this example, the source's period of construction without a permit runs from July 1, 1980, until the valid permit was issued in January of 1981 (7 months). The period of operation at variance with the BACT permit condition runs from the time the permit was issued in January 1981, to the date the source ceased operation on February 28, 1981 (2 months). The source also exceeded the area growth increment for particulate matter during the period of operation from December 1, 1980, to February 28, 1981 (3 months).1/

1/ It is important to note that some of the considerations detailed in the matrix do not necessarily track the statutory provisions regarding violations. For example, there is no Clean Air Act provision which makes increment exceedance, in and of itself, a violation by an individual source. (The SIP must protect the increment. The method used is PSD review with permit conditions such as BACT, fuel use limitations, etc.) However, as a consideration of environmental harm, and in considering the seriousness of the violation if a source operates and thereby violates a State's increment due to failure to go through PSD review as or when required, an added penalty is appropriate.

The matrix penalty figure for this source's PSD related violations, based on a $140,000 total cost of control estimate, is:

- for the 7 month period of construction without a permit,
  7 x $4,000 = $28,000

- for the 2 month period of operation without a permit,
  2 x $4,000 = $8,000

- for the 3 month period of operation during which the increment was exceeded,
  3 x $11,000 = $33,000

- matrix penalty figure =
  $28,000 + $8,000 + $33,000 = $69,000

As noted in this policy, this figure represents a minimum settlement figure. EPA may, at any time, negotiate for a higher settlement figure. A lower minimum settlement figure may also be available depending on the circumstances of the particular case. See the policy for procedures regarding possible reductions.

In addition to the permit violations described above, commencement of operation prior to the installation of BACT constitutes a separate violation subject to the Civil Penalty Policy. (The Civil Penalty Policy should be used to determine an additional appropriate minimum settlement amount for the period of time the source operated without BACT).

Section 173 or Offset Policy Sources

On December 1, 1980, a plywood manufacturing company began operation of a modification at its plant which is located in a nonattainment area for particulate matter. The modification is subject to Section 173 review permitting and, in fact, the source has obtained a valid Section 173 permit from the State. The permit specifies 1) that the applicant has demonstrated that all other major stationary sources owned or operated by the applicant in the State are in compliance with the Act, 2) what constitutes required LAER, and 3) what offsets (internal) would be required to be obtained prior to start-up or commencement of operation.

In March of 1981, the Regional Office learned that the source did not install controls on a certain piece of process equipment and therefore did not actually "obtain" the offsets as specified in the State permit. On April 1, 1981, the Region issued an NOV for failure to comply with the terms of the permit by not obtaining offsets prior to start-up. At an April 15, 1981, conference between EPA and the source, the source agreed to meet the terms of its permit and to certify compliance. On May 15, 1981, the offsets were finally obtained.

In this example, the violation covered by the matrix is the source's failure to obtain the required offsets (because the source had obtained the requisite permit and its only violation of the permit consisted of a failure to obtain the offsets by start-up). The failure to obtain offsets, however, is covered by both the Permit Penalty Policy (for the failure of the new source to obtain offsets prior to start-up) and the Civil Penalty Policy (for the failure of the existing source to comply with the offset requirement).

The calculation of the minimum settlement figure in this case under the Permit Penalty Policy begins with an assessment of the total cost of air pollution control equipment at the modification. For purposes of this example, assume LAER costs $110,000. Since the source operated from start-up on December 1, 1980, until May 15, 1981, without the necessary offsets, the period of violation was six months. Under these circumstances, the matrix yields a penalty figure of $84,000. (6 x $14,000 = $84,000).

As in the PSD example above, this matrix figure is a minimum settlement number. EPA is free to negotiate for a higher amount. There is also the opportunity for a reduction of this figure based upon the surrounding circumstances in accordance with the procedures outlined in the policy.

The calculation of a minimum settlement figure under the Civil Penalty Policy is dependent upon the economic benefit to the source of delaying the capital costs necessary to satisfy the offset requirement for a period of six months, and upon the other factors set out in the policy. Because the offsets were obtained from a facility owned by the new source, a total minimum civil penalty settlement figure is calculated by adding the amounts obtained under the Permit Penalty Policy and the Civil Penalty Policy. (If the offsets were obtained from a facility not owned by the new source, once the offset is established and made part of the SIP, the existing source is subject to the amount calculated under the Civil Penalty Policy added to the amount calculated under the Permit Penalty Policy).

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 18 1978

OFFICE OF ENFORCEMENT

MEMORANDUM

SUBJECT: Interpretation of "Constructed" as it Applies to Activities Undertaken Prior to Issuance of a PSD Permit

FROM: Director
Division of Stationary Source Enforcement

TO: Enforcement Division Directors
Regions I-X

Air and Hazardous Materials Division Directors
Regions I-X

The issue addressed in this memorandum is where on the continuum from planning to operation of a major emitting facility does a company or other entity violate the PSD regulations if it has not yet received a PSD permit. (It is assumed here that such a permit is required by the PSD regulations.) This question has arisen several times in particular cases and general guidance now appears necessary.

The statute and regulations do not answer this question. The Clean Air Act states simply that, "[n]o major emitting facility... may be constructed... unless-(1) a permit has been issued... [and various other conditions have been satisfied]." Section 165(a). Similarly, the PSD regulations state that, "[n]o major stationary source or major modification shall be constructed unless the [various PSD requirements are met]." 40 CFR 52.21(i)(1), 43 FR 26406. "Construction" is defined in the regulations as "fabrication, erection, installation, or modification of a source." 40 CFR 52.21(b)(7), 43 FR 26404. This accords with Section 169(2)(C) of the Act, but it does not explicitly answer the question posed above. To our knowledge, the legislative history of the Act does not treat this issue. Thus the term "constructed" seems to be open to further interpretation by EPA.

Commencement of construction is quite specifically defined in both Section 169(2)(A) of the Clean Air Act and 40 CFR 52.21(b)(8), 43 FR 26404. However, that definition is for the purpose of deciding the threshold question of the applicability of the PSD regulations. Therefore, we are not bound by it in deciding what activities may be conducted prior to receiving a necessary PSD permit.

DSSE's response to date has been that the permitting authority should make the determination on a case-by-case basis, after considering all the facts of the individual situation. For example, we said that site clearing might be inappropriate for a source proposed to be constructed in a heavily forested Class I area, but permissible for a source proposed to be constructed on a junk-strewn lot in a heavily industrialized Class III area.

After consulting with the Office of General Counsel, we are now amending this policy in order to minimize the administrative burden on the permitting authority and to adopt what we believe now to be the better legal interpretation. The new policy is that certain limited activities will be allowed in all cases. These allowable activities are planning, ordering of equipment and materials, site-clearing, grading, and on-site storage of equipment and materials. Any activities undertaken prior to issuance of a PSD permit would, of course, be solely at the owner's or operator's risk. That is, even if considerable expense were incurred in site-clearing and purchasing equipment, for example, there would be no guarantee that a PSD permit would be forthcoming.

All on-site activities of a permanent nature aimed at completing a PSD source for which a permit has yet to be obtained are prohibited under all circumstances. These prohibited activities include installation of building supports and foundations, paving, laying of underground pipe work, construction of permanent storage structures, and activities of a similar nature.

The new policy has several advantages. First, it will be easy to administer, since case-by-case determinations will not be required. Moreover, it assures national consistency and permits no abuse of discretion. Finally, it appears to be the most legally correct position. The policy has the undeniable disadvantage of allowing a good deal of

activity at sites which may be highly susceptible to environmental impact. We feel that on balance, however, the advantages of the policy outweigh the disadvantage.

If you have any questions, please feel free to contact David Rochlin of my staff, at 755-2542.

Edward E. Reich

cc: Peter Wyckoff, OGC
Richard Rhoades, OAQPS
Linda Murphy, Region I
Ken Eng, Region II
Jim Sydnor, Region III
Winston Smith, Region IV
Steve Rothblatt, Region V
Don Harvey, Region VI
Bob Chanslor, Region VII
Dave Joseph, Region VIII
Bill Wick, Region IX
Mike Johnston, Region X

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 169A
UPDATE NUMBER 8
(VOLUME 1)

** CLEAN AIR ACT SECTION 169A

* DOCUMENT NUMBER: PN169A-85-03-25-001
VISIBILITY MONITORING STRATEGY REQUIREMENTS

PN 169A-85-03-25-001

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

MAR 25 1985

MEMORANDUM:

SUBJECT: Visibility Monitoring Strategy Requirements

FROM: Darryl D. Tyler, Director
Control Programs Development Division (MD-15)

TO: Director, Air Division
Regions I-X

It has come to my attention that some States have requested additional guidance in developing a visibility monitoring strategy for the May 6, 1985, submittal deadline. This memorandum explains the monitoring requirements and is meant to assist the States and Regions in determining the adequacy of a visibility monitoring strategy.

The 1980 visibility rules (Section 51.300-307) require 36 States to amend their State implementation plans (SIP's) to include visibility protection plans. The plan must contain "a strategy for evaluating visibility . . . by visual observation or other appropriate techniques . . . ." The plan must also provide for consideration of available data and must provide a mechanism for its use in decisions in other portions of the protection program. The monitoring strategy was not meant to be implemented independent from the rest of the rules. Therefore, the requirements for monitoring come directly from the sections of the rules to be implemented in the second part of the settlement agreement.

Consultation with the Federal land managers (FLM's) is required by Section 51.302. All affected FLM's must be given the opportunity to consult with the State, in person, at least 60 days prior to any public hearing on the rule. At this meeting, the FLM may make recommendations to the State on items in the protection plan including but not limited to identifying impairment, and recommending items to be included in the monitoring strategy. The State should contact the on-site FLM personnel as well as the divisional offices handling SIP coordination. The addresses for the divisional office personnel are attached.

The States' visibility monitoring strategy must address the following requirements:

1) Provide data for new source impact analyses (required by Sections 51.307 and 51.24),

2) Determine sources, if possible, of visibility impairment (required by Section 51.302),

3) Assess visibility conditions for the SIP and periodic report (required by Sections 51.302 and 51.306).

The State is required by Section 51.305 to consider all available data in making assessments in the visibility protection program. This could be data from any FLM, industrial, or EPA sponsored visibility monitoring programs. In some circumstances, airport visibility data may be appropriate. However, if no data exist from other sources, it is the States' responsibility to provide the appropriate information. The types of assessments will be dependent on the types of visibility impairment that are thought to exist in the visibility protection areas. The State should request the FLM to provide his assessment of impairment so that the State can determine the extent of monitoring and protection needed. States that wish to design a monitoring strategy that requires visual observation as a minimum, should ensure that the frequency of observation is sufficient to provide meaningful data.

Many States have indicated that they cannot accept the additional responsibility of visibility monitoring without an increase in their grant support. The EPA has requested additional funding for the Federal visibility monitoring program and to encourage States to develop visibility SIP's. Therefore, some limited grant moneys may be available for States that wish to take a more active role in the monitoring program. States may also participate in the Federal monitoring program which will be a more cost-effective use of resources. It should be noted that EPA will have no authority to monitor in States with approved monitoring strategies, even if EPA proposed to do so in the Federal plan. Also some States may wish to delay action on the monitoring strategy in order to incorporate it with the remaining provisions.

The format for the monitoring strategy need only be a narrative section of the SIP. Any details that are subject to change should be referenced in an appendix or separate document. A checklist has been attached to help the States and Regions determine the adequacy of the monitoring strategy.

I hope this information is helpful. If you have any questions, please contact Janet Metsa (FTS 629-5540) or Mark Hodges (FTS 629-5665) of my staff.

Attachments

cc: R. Bauman (MD-15)
R. Campbell (MD-10)
T. Helms (MD-15)
R. Rhodes (MD-14)
D. Stonefield (MD-15)

2/5

ATTACHMENT 1

FEDERAL LAND MANAGER DIVISIONAL OFFICES

National Park Service

Mr. Brian Mitchell
Air Quality Division
National Park Service
Post Office Box 25287
Denver, CO 80225

Fish and Wildlife Service

Mr. Ty Berry
Division of Refuge Management
F&WS, Room 2342
Department of Interior
18th & C Streets, N.W.
Washington, DC 20240

Forest Service Headquarters

Mr. Jim Byrne
USDA-Forest Service
WS&AM
Post Office Box 2417
Washington, D.C. 20013

Forest Service Regional Directors (See Map)

Eastern Region
310 W. Wisconsin Avenue
Milwaukee, WI 53203

Northern Region
Federal Building
Post Office Box 7669
Missoula, MT 59807

Intermountain Region
Federal Building
324 25th Street
Ogden, UT 84401

Southwestern Region
Federal Building
517 Gold Avenue, S.W.
Albuquerque, NM 87102

Southern Region
1720 Peachtree Road, N.W.
Atlanta, GA 30367

Rocky Mountain Region
11177 W. 8th Avenue
Post Office Box 25127
Lakewood, CO 80225

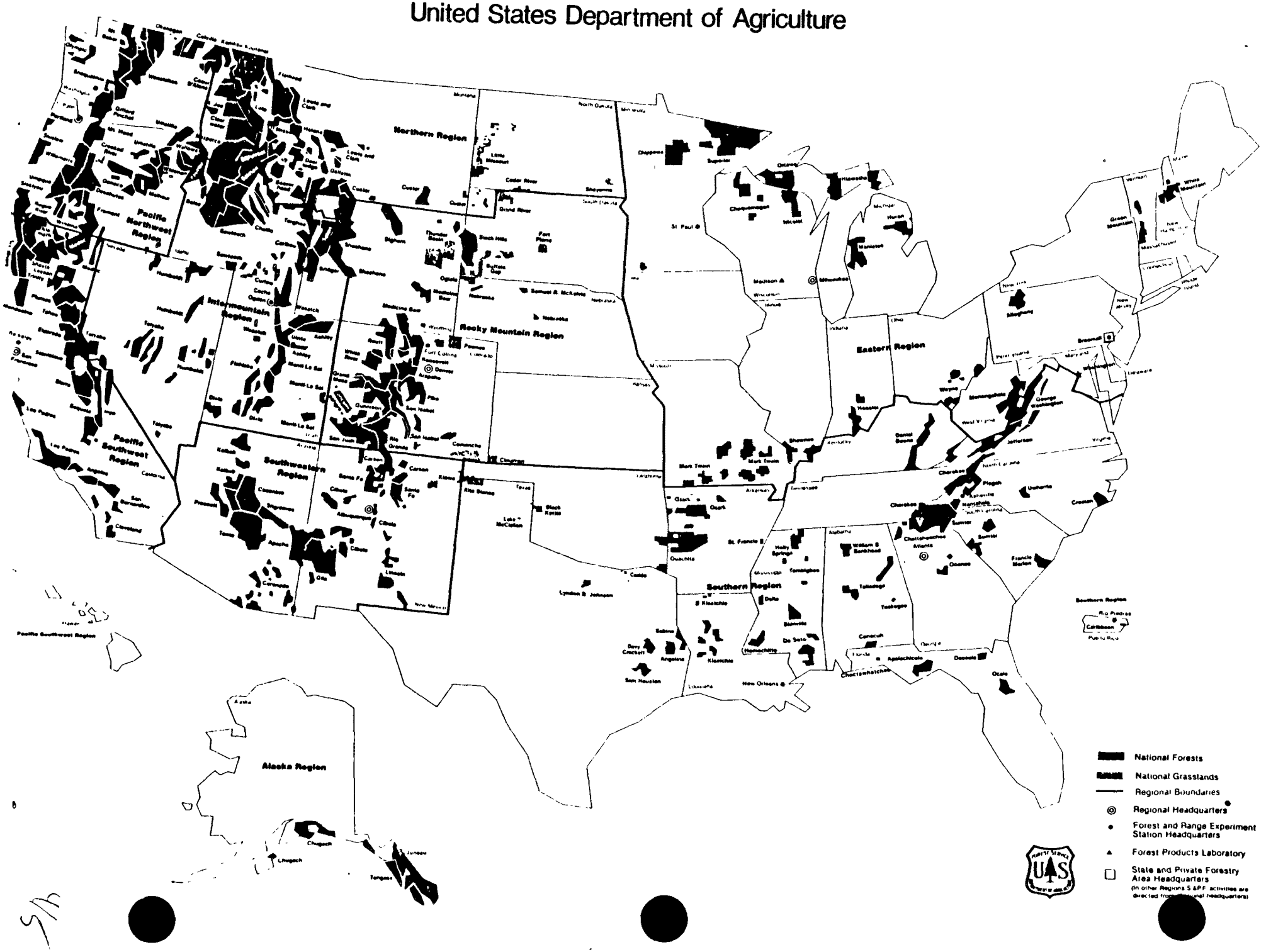
Pacific Southwest Region
630 Sansome Street
San Francisco, CA 94111

Pacific Northwest Region
319 S.W. Pine Street
Post Office Box 3623
Portland, OR 97208

3/5

The Forest Service

United States Department of Agriculture



ATTACHMENT 2

VISIBILITY MONITORING STRATEGY CHECKLIST

1. Does impairment exist? What documentation does the State provide?

   Example: a) FLM statement
   b) no sources near the protection areas

2. Does the SIP mention coordination/consultation with the FLM's?

3. Does the SIP list the objectives of the monitoring program?

   Example: a) Provide data for new source impact analysis.
   b) Provide data to determine sources subject to BART.
   c) Provide data for assessment of control strategies.
   d) Provide data for trend analysis.

   If impairment does not exist, only a and d are needed.

4. Does the SIP list the data collection methods or equipment to be used?

   Example: a) Require preapplication monitoring.
   b) Installation of automatic cameras or other monitoring device.
   c) Periodic reporting from FLM's (with FLM agreement).

5. Are the equipment or procedures appropriate to meet the stated objectives?

   Example: a) Preapplication monitoring will not provide data for BART determinations.
   b) A report from the FLM will not provide appropriate data for new source impact analysis.

6. If the SIP calls for a separate document or appendix to describe the details of the monitoring program, is it available to the public? EPA?

7. A separate document or appendix is recommended to describe the details of:

   a) Monitoring sites,
   b) Equipment or data collection techniques,
   c) Quality assurance procedures,
   d) Monitoring frequency, and
   e) Implementation schedule.

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 172
UPDATE NUMBER 8
(VOLUME 1)

** CLEAN AIR ACT SECTION 172

* DOCUMENT NUMBER: PN172-78-03-10-002
EXAMPLE DEMONSTRATION OF ATTAINMENT FOR PHOTOCHEMICAL OXIDANTS

* DOCUMENT NUMBER: PN172-78-06-14-026
MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF TRANSPORTATION AND THE ENVIRONMENTAL PROTECTION AGENCY REGARDING THE INTEGRATION OF TRANSPORTATION AND AIR QUALITY PLANNING

* DOCUMENT NUMBER: PN172-78-06-30-003
VAPOR RECOVERY REGULATIONS REQUIRED TO MEET RACT REQUIREMENTS FOR THE 1979 SIP

* DOCUMENT NUMBER: PN172-78-08-04-004
REQUIREMENT FOR VOC RACT REGULATIONS IN ALL OXIDANT NONATTAINMENT AREAS

* DOCUMENT NUMBER: PN172-78-08-24-006
CLARIFICATION OF EPA POLICY ON EMISSIONS FOR METHYL CHLOROFORM

* DOCUMENT NUMBER: PN172-78-10-06-008
COMMENTS ON AUTO INDUSTRY PROPOSALS

* DOCUMENT NUMBER: PN172-78-10-26-009
OZONE TRANSPORT VALUES FOR SIP REVISIONS

* DOCUMENT NUMBER: PN172-79-01-16-012
CONTINUITY OF SIP REGULATIONS - REVISED ENCLOSURE

* DOCUMENT NUMBER: PN172-79-03-06-014
CUTBACK ASPHALT VOC REGULATIONS

* DOCUMENT NUMBER: PN172-79-05-25-016
SUBMISSION OF STATE AIR PERMITS AS SIP REVISIONS

* DOCUMENT NUMBER: PN172-79-05-25-017
CLARIFICATION OF AGENCY POLICY CONCERNING OZONE SIP REVISIONS AND SOLVENT REACTIVITIES

* DOCUMENT NUMBER: PN172-79-06-20-018
MODIFICATIONS TO RECOMMENDATIONS FOR SOLVENT METAL CLEANING

* DOCUMENT NUMBER: PN172-79-08-21-019
STATE IMPLEMENTATION PLANS: GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - SUPPLEMENT (ON REVISED SCHEDULES FOR SUBMISSION OF VOLATILE ORGANIC CHEMICAL RACT REGULATIONS)

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 172
UPDATE NUMBER 8
(VOLUME 1)

* DOCUMENT NUMBER: PN172-79-08-22-020
STATE IMPLEMENTATION PLANS/REVISED SCHEDULES FOR SUBMITTING RACT REGULATIONS FOR STATIONARY SOURCES OF VOLATILE ORGANIC COMPOUNDS(VOC)

* DOCUMENT NUMBER: PN172-79-10-04-021
CLARIFICATION FOR FINAL SIP ACTIONS ON ASPHALT REGULATIONS

* DOCUMENT NUMBER: PN172-79-12-12-023
EXEMPTIONS FOR DEGREASERS

* DOCUMENT NUMBER: PN172-80-06-16-027
GASOLINE TANK TRUCK REGULATIONS

* DOCUMENT NUMBER: PN172-80-07-02-029
EXEMPTION FOR COLD CLEANER DEGREASERS

* DOCUMENT NUMBER: PN172-80-08-11-043
MUNICIPAL WASTEWATER TREATMENT WORKS: CONSTRUCTION GRANTS LIMITATION PROVIDED BY SECTION 316 OF THE CLEAN AIR ACT: POLICY AND PROCEDURES (FR CITATION)

* DOCUMENT NUMBER: PN172-80-09-03-030
MISCELLANEOUS METAL PARTS AND PRODUCTS CTG - EMISSION LIMITS FOR COATING OF SHIPPING PAILS AND DRUMS

* DOCUMENT NUMBER: PN172-80-11-20-032
COMPLIANCE WITH VOC EMISSION LIMITATIONS FOR CAN COATING OPERATIONS

* DOCUMENT NUMBER: PN172-80-12-01-033
REVISED SEASONAL AFTERBURNER POLICY

* DOCUMENT NUMBER: PN172-80-12-02-034
COST EFFECTIVENESS FOR RACT APPLICATION TO LEAKS FROM PETROLEUM REFINERY EQUIPMENT

* DOCUMENT NUMBER: PN172-80-12-02-035
RACT FOR SPECIALTY PRINTING OPERATIONS

* DOCUMENT NUMBER: PN172-81-01-22-039
STATE IMPLEMENTATION PLANS-APPROVAL OF 1982 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NEEDING AN ATTAINMENT DATE EXTENSION (FR CITATION)

* DOCUMENT NUMBER: PN172-81-02-06-036
STORAGE TANK VAPOR BALANCE REQUIREMENTS AT SYNTHESIZED PHARMACEUTICAL PRODUCTS MANUFACTURE FACILITIES

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 172
(VOLUME 1)

** CLEAN AIR ACT SECTION 172

* PN172-78-03-10-002
EXAMPLE DEMONSTRATION OF ATTAINMENT FOR PHOTOCHEMICAL OXIDANTS

* PN172-78-06-30-003
VAPOR RECOVERY REGULATIONS REQUIRED TO MEET RACT REQUIREMENTS FOR THE 1979 SIP

* PN172-78-08-04-004
REQUIREMENT FOR VOC RACT REGULATIONS IN ALL OXIDANT NONATTAINMENT AREAS

* PN172-78-08-24-006
CLARIFICATION OF EPA POLICY ON EMISSIONS FOR METHYL CHLOROFORM

* PN172-78-10-06-008
COMMENTS ON AUTO INDUSTRY PROPOSALS

* PN172-78-10-26-009
OZONE TRANSPORT VALUES FOR SIP REVISIONS

* PN172-79-01-16-012
CONTINUITY OF SIP REGULATIONS - REVISED ENCLOSURE

* PN172-79-03-06-014
CUTBACK ASPHALT VOC REGULATIONS

* PN172-79-05-25-016
SUBMISSION OF STATE AIR PERMITS AS SIP REVISIONS

* PN172-79-05-25-017
CLARIFICATION OF AGENCY POLICY CONCERNING OZONE SIP REVISIONS AND SOLVENT REACTIVITIES

* PN172-79-06-20-018
MODIFICATIONS TO RECOMMENDATIONS FOR SOLVENT METAL CLEANING

* PN172-79-08-21-019
STATE IMPLEMENTATION PLANS: GENERAL PREAMBLE FOR PROPOSED RULEMAKING ON APPROVAL OF PLAN REVISIONS FOR NONATTAINMENT AREAS - SUPPLEMENT (ON REVISED SCHEDULES FOR SUBMISSION OF VOLATILE ORGANIC CHEMICAL RACT REGULATIONS)

* PN172-79-08-22-020
STATE IMPLEMENTATION PLANS/REVISED SCHEDULES FOR SUBMITTING RACT REGULATIONS FOR STATIONARY SOURCES OF VOLATILE ORGANIC COMPOUNDS(VOC)

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 172
(VOLUME 1)

* PN172-79-10-04-021
CLARIFICATION FOR FINAL SIP ACTIONS ON ASPHALT REGULATIONS

* PN172-79-12-12-023
EXEMPTIONS FOR DEGREASERS

* PN172-78-06-14-026
MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF TRANSPORTATION AND THE ENVIRONMENTAL PROTECTION AGENCY REGARDING THE INTEGRATION OF TRANSPORTATION AND AIR QUALITY PLANNING

* PN172-80-06-16-027
GASOLINE TANK TRUCK REGULATIONS

* PN172-80-07-02-029
EXEMPTION FOR COLD CLEANER DEGREASERS

* PN172-80-09-03-030
MISCELLANEOUS METAL PARTS AND PRODUCTS CTG - EMISSION LIMITS FOR COATING OF SHIPPING PAILS AND DRUMS

* PN172-80-11-20-032
COMPLIANCE WITH VOC EMISSION LIMITATIONS FOR CAN COATING OPERATIONS

* PN172-80-12-01-033
REVISED SEASONAL AFTERBURNER POLICY

* PN172-80-12-02-034
COST EFFECTIVENESS FOR RACT APPLICATION TO LEAKS FROM PETROLEUM REFINERY EQUIPMENT

* PN172-80-12-02-035
RACT FOR SPECIALTY PRINTING OPERATIONS

* PN172-81-02-06-036
STORAGE TANK VAPOR BALANCE REQUIREMENTS AT SYNTHESIZED PHARMACEUTICAL PRODUCTS MANUFACTURE FACILITIES

* PN172-81-05-21-038
1982 OZONE AND CARBON MONOXIDE SIP GUIDANCE INDEX

* PN172-81-01-22-039
STATE IMPLEMENTATION PLANS-APPROVAL OF 1982 OZONE AND CARBON MONOXID PLAN REVISIONS FOR AREAS NEEDING AN ATTAINMENT DATE EXTENSION (FR CITATION)

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 172
(VOLUME 1)

* PN172-82-10-29-041
QUESTIONS AND ANSWERS ON 1982 OZONE AND CO SIPS

* PN172-80-08-11-043
MUNICIPAL WASTEWATER TREATMENT WORKS: CONSTRUCTION GRANTS LIMITATION PROVIDED BY SECTION 316 OF THE CLEAN AIR ACT: POLICY AND PROCEDURES (FR CITATION)

* PN172-83-11-02-044
COMPLIANCE WITH THE STATUTORY PROVISIONS OF PART D OF THE CLEAN AIR ACT (FR CITATION)

* PN172-84-01-20-045
AVERAGING TIMES FOR COMPLIANCE WITH VOC EMISSION LIMITS - SIP REVISION POLICY

* PN172-84-06-25-046
APPLICABILITY OF GROUP III CONTROL TECHNIQUES GUIDELINES (CTG'S)

* PN172-84-06-25-047
CONFIRMATION OF DEFINITION OF "100 TON-PER-YEAR (100 TPY) SOURCE"

* PN172-84-09-14-048
VOLATILE ORGANIC COMPOUND (VOC) TEST METHODS OR PROCEDURES FOR SOURCE CATEGORIES IN GROUPS I, II, AND III CONTROL TECHNIQUES GUIDELINES (CTGS)

* PN172-84-12-21-049
CONNECTICUT VOLATILE ORGANIC COMPOUND (VOC) ISSUES

* PN172-85-04-25-050
CONSIDERATION OF ORGANISOLS IN VOLATILE ORGANIC COMPOUNDS (VOC) COMPLIANCE CALCULATIONS

* PN172-85-07-02-051
RESIDUAL VOLATILE ORGANIC COMPOUND (VOC) CONTAINED IN COATING LINE PRODUCTS

PN 172-85-07-02-051

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

2 JUL 1985

MEMORANDUM

SUBJECT: Residual Volatile Organic Compound (VOC)
Contained in Coating Line Products

FROM: for Gerald A. Emison, Director
Office of Air Quality Planning and Standards (MD-10)

TO: David Kee, Director
Air Management Division, Region V

This memorandum is in response to your memorandum of June 6, 1985, requesting guidance concerning retained VOC in products produced on regulated coating lines.

Your memorandum essentially states that Region V is presently reviewing the compliance status of a vinyl coating facility. They are specifically engaged in printing and topcoating of vinyl upholstery material. The applicable State implementation plan (SIP) regulation requires either a maximum of 4.8 pounds of VOC per gallon of coating applied or an add-on pollution control system which demonstrates 75 percent capture and 90 percent control device efficiencies.

The source has done some preliminary testing on its vinyl coating operations and through serendipity has discovered that their coated vinyl product retains a significant portion of the VOC content from the applied coating mixture (perhaps 20 percent by weight). The source contends that the residual VOC is released from the substrate during inspection, storage, and packaging for shipping. It is not collectible by the existing capture equipment associated with the coating line's add-on control system and should be excluded from the 75 percent capture efficiency requirement. The source proposes to establish the amount of residual VOC carried away from the line in the coated product and deduct it from the VOC content of the coating as applied. Compliance with the SIP requirements of 75 percent capture and 90 percent destruction would then be based upon this modified (reduced) VOC content of the coating.

You are correct in your opinion that the control technique guidelines (CTG's) did not intend for such a credit to be allowed. When the CTG's were being written, and as recently as 1982 when the new source performance

standard for printing and topcoating of flexible vinyl and urethane was proposed, industry reported that residual solvent content rarely exceeded 3 percent. All other web-coating industries that have been investigated have reported similar residual values.

We agree with your assessment that to allow such an adjustment is in effect a relaxation of the basic RACT requirement. Compliance based on a reduced VOC content of the coating (excluding the solvent retained in the substrate) should not be allowed. However, a case-by-case RACT alternative determination (re: capture efficiency) may be appropriate where the company can demonstrate that it is technologically or economically infeasible to better dry the substrate through (1) additional passes in the oven, (2) increased oven temperatures, (3) extension of the present oven, or (4) construction of a new oven. Should you have any further questions, please contact Bill Polglase (629-5516) or Brock Nicholson (629-5516).

cc: D. Crumpler, ESED
R. Dalton, Region V
J. DiMatteo, Region V
S. Hitte, SSCD

PN 172-85-04-25-050

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

23 APR 1985

MEMORANDUM

SUBJECT: Consideration of Organisols in Volatile Organic Compound (VOC) Compliance Calculations

FROM: for Gerald A. Emison, Director
Office of Air Quality Planning and Standards (MD-10)

TO: W. Ray Cunningham, Director
Air Management Division (3AM00)

This is in response to your memorandum of March 29, 1985, requesting guidance with regard to the inclusion of organisols in VOC compliance calculations.

As defined in the "Glossary for Air Pollution Control of Industrial Coating Operations," EPA-450/3-83-013R, an organisol is "a thick coating consisting of resin and plasticizers and some organic solvent which is often used to coat flexible substances such as paper or fabrics. It is similar to a plastisol except that an organisol contains more organic solvent."

It is our opinion that organisols should not be included in VOC compliance calculations if the organisol was used in production prior to the ozone State implementation plan control strategy baseline date. The reason for this is that averaging such coatings in compliance calculations does not truly result in a reduction of VOC emissions that were contemplated in the approved ozone control plan. The basic concept of an ozone control strategy is that actual, not apparent, VOC reductions result from its application and thereby lead to attainment of the national ambient air quality standard.

For compliance purposes, if an organisol is employed to replace an existing solvent coating that is used to produce the same product, then organisols can be included in compliance calculations. However compliance credit can only be allowed to the extent that emission reductions exceed the emission reductions achievable by the application of reasonably available control technology to the solvent coating.

It is hoped that this will meet your present need. Should you have any questions, please contact Tom Helms or Bill Polglase of my staff at FTS 629-5516.

cc: Director, Air Division, Regions I, II, IV-X
Chief, Air Branch, Regions I-X
VOC Contacts, Regions I-X
S. Wyatt, ESED
J. Rasnic, SSCD

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

December 21, 1984

MEMORANDUM

SUBJECT: Connecticut Volatile Organic Compound (VOC) Issues

FROM: G. T. Helms, Chief /s/
Control Programs Operations Branch, CPDD (MD-15)

TO: Linda Murphy, Chief
State Air Programs Branch, Region I

This is in response to your memorandum of November 7, 1984, concerning Connecticut VOC issues. It is our opinion that the determination of 100 tons per year (TPY) sources must be based on the principal source categories at the plant. For example, if the control techniques guideline (CTG) VOC source categories emissions at a plant were in compliance, the smaller ancillary VOC source categories (less than 100 TPY) not covered by CTG's, would not be additive nor considered in determining a 100 TPY source.

In your example of the toy manufacturer, the principal source category covered by a CTG appears to be the metal parts coating (80 TPY) which is assumed to be in compliance (e.g., approximately 400 tons prior to control). The plastic parts painting (50 TPY) and offset printing of children's books (50 TPY) are not covered by CTG's and are less than 100 TPY each. Hence, the facility would be considered to be a 100 TPY source only for miscellaneous metal coating. However, care should be taken to assure that the principle operation is not artifically disaggregated for the purpose of avoiding control. For example, if the metal and plastic coating operations were not distinguishable (e.g., same type of booths, coatings, and ovens) and the miscellaneous metal source emits 80 tons per year uncontrolled, it is conceivable, on a case-by-case basis, that this operation could be considered in aggregate as a 130-ton source.

In response to the side issue listed in your memorandum, it is our opinion that sources which were specifically exempted by EPA from the miscellaneous metal parts CTG (e.g., marine vessels, aircraft) are intended to be considered as non-CTG sources.

2. With regard to the solvent metal cleaner issue, it is our opinion that: (a) the use of forced air blowers inside the degreaser hoods is unacceptable and would represent circumvention of the regulation unless emissions were suitably controlled, (b) similarly, the use of atomized sprays would be unacceptable, (unless emissions are suitably controlled), and (c) the air drying of parts in lieu of draining parts for 15 seconds would not be considered RACT.

It is hoped that this will meet your present need. If you have any questions, please contact John Calcagni (629-5665) or Bill Polglase (629-5516).

cc: Chief, Air Branch, Regions I-X
VOC Regulatory Contact, Regions I-X
VOC Enforcement Contact, Regions I-X
John Hanisch, Region I
John Rasnic, SSCD
Steve Hitte,SSCD
Jim Berry, OAQPS

PN 172-84-09-14-048

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

SEP 14 1984

MEMORANDUM

SUBJECT: Volatile Organic Compound (VOC) Test Methods or Procedures for Source Categories in Groups I, II, and III Control Techniques Guidelines (CTG's)

FROM: Darryl D. Tyler, Director
Control Programs Development Division (MD-15)

TO: See Addressees

The purpose of this memorandum is to update the list of recommended source test methods or procedures applicable to the CTG's issued by the Office of Air Quality Planning and Standards, Emission Standards and Engineering Division, Emission Measurement Branch (EMB) and to provide direction on how to apply these methods. This memorandum updates the memorandum from Edward F. Tuerk, Acting Assistant Administrator, Air, Noise and Radiation to Director, Air and Hazardous Materials Division, Regions I-X, dated April 6, 1981.

Subsequent to the April 6, 1981 memorandum, numerous new source performance standards (NSPS) and associated recommended test methods have been promulgated for source categories covered by the CTG's. These promulgated standards and reference test methods will be codified in the July 1, 1984, issue of the Code of Federal Regulations, 40 CFR Part 60. The reference test methods are included in Appendix A of Part 60. In addition, a number of the Group III CTG's have been issued. In those cases where reference methods have not been promulgated, methods that have been formally proposed are recommended and the Federal Register (FR) publication is cited. In the absence of proposed methods, a draft method is available from EMB.

The test methods or procedures for the Groups I and II CTG's are summarized in Tables 1 and 2. The major change from the April 6, 1981, version of the tables is the substitution of promulgated NSPS methods where applicable. The reference methods are essentially identical in principle to the CTG methods cited previously, but generally include simplifications, clarifications, or improvements to increase the practicality, accuracy or precision of the methods originally recommended in the CTG's.

It is important to note that the recommendation of a reference test method in Appendix A of Part 60 does not necessarily provide a complete procedure for the determination of compliance. The format of the applicable regulation must be considered to specify how long a test run by the method should last (averaging time), how many runs are required (replicates), and whether or not any additional methods are necessary to convert the VOC concentration to another basis (volumetric flowrate for mass rates, or oxygen/carbon dioxide for an excess air correction). Specifically, Methods 1, 1A, 2, 2A, 2B, 2C, 2D, 3, and 4 are used, as appropriate, for flowrate and excess air determinations. These methods are listed in Table 4. The procedural specifications for NSPS are included in the subpart for the affected source category in the "Test Methods and Procedures" section. If the CTG format is the same as the NSPS, then the NSPS procedures may be used as a guide. If the formats are different, then the NSPS method should be used in conjunction with the procedures specified in the CTG, or the applicable regulation.

Another consideration must be that for some of the NSPS reference methods, it is necessary to refer to the source category regulation to provide a complete procedure.

Two examples are the leak definition [compound(s) and concentration] for Method 21, and the pressure change limits for Method 27. These are not included in the NSPS reference methods and must be provided by the State or local regulation.

The procedure recommended in "Control of Volatile Organic Compound Leaks from Petroleum Refinery Equipment" (EPA-450/2-28-036, June 1978) and for the other source categories where fugitive emissions are covered has been replaced by Method 21. Method 21 is the same as the previous recommendation except that the instrument specifications have been simplified. The rigorous analyzer specifications were found to be unnecessary to provide reliable leak/no leak decisions. The revised specifications require significantly less effort and recordkeeping. The specification of the calibration compound(s) has been changed to hexane or methane in air at a concentration of about 10,000 ppmv. This provides an alternative, and tests have shown that the leak/no leak decision is essentially not affected by the analyzer calibration compound when hexane and methane are compared. If commercial standards are not available, a standard preparation procedure is provided in Method 18, "Measurement of Gaseous Organic Compound Emissions by Gas Chromatography," promulgated 48 FR 48344, October 18, 1983.

The recommended test methods for low solvent coatings and printing inks are changed to Methods 24 or 24A as appropriate. The CTG references cite outdated American Society for Testing and Materials (ASTM) procedures and calculation procedures. However, if the NSPS methods are used, it may be necessary to change from the NSPS units of weight of VOC per volume solids to the CTG units of weight of VOC per volume coating adjusted for water.

The recommended test methods for Group III CTG's are presented in Table 3.

A list of the VOC and related measurement methods is summarized in Table 4 and a FR publication date is given if the method has been promulgated or proposed since July 1, 1983. A list of knowledgeable EMB personnel for each method is given in Table 5.

One final note on which test method is Federally recognized, should ambiguity on this exist. Where a SIP has an approved test method, EPA will abide by such method. Changes to these methods can only be made by a SIP revision. Where the SIP does not explicitly define a test method, then under 40 CFR 52.12(c) the NSPS methods as discussed above are applicable. Where the approved test method is no longer the same as that identified above, States are urged to modify their regulations to be consistent with the NSPS test methods.

Should you have any questions, please contact John Calcagni at 919/541-5665 or Bill Polglase at 919/541-5516.

Attachments

Addressees:
Director, Air and Waste Management Division
  Regions II, IV, VI-VIII, X
Director, Air Management Division
  Regions I, III, V, IX
Director, Environmental Services
  Regions I-X

cc: Regional Administrator, Regions I-X
VOC Regulatory Contacts, Regions I-X
VOC Compliance Contacts, Regions I-X
Chief, Air Branch, Regions I-X
Chief, Compliance Branch, Regions II, III, V, VII, IX
George Walsh
Winton Kelly
Nancy McLaughlin
John Rasnic
Ed McCarley

Table I

TEST METHODS OR PROCEDURES FOR GROUP I CTGS

Industry	CTG Document Number	Applicable Control Options	Recommended Method(s) and Document(s) Citing Test Method	Document May Be Ordered From
Cans, Coils, Paper, Fabric, and Automobiles and Light-Duty Trucks	EPA-450/2-77-008	Low solvent coatings	Method 24, 40 CFR Part 60	GPO[7]
		Add-on[1]	Method 25, 40 CFR Part 60 or methods in "Measurement of Volatile Organic Compounds." EPA 450/2-78-041	GPO[7] NTIS[2]
Metal Furniture	EPA-450/2-77-032	Low solvent coatings	(CTG pp.5-1 to 5-5) Method 24, 40 CFR Part 60	NTIS[2] GPO[7]
		Add-on[1]	Method 25, 40 CFR Part 60 or methods in "Measurement of Volatile Organic Compounds," EPA 450/2-78-041	GPO[7] NTIS[2]
Magnetic Wire Coating	EPA-450/2-77-033	Add-on[1]	Method 25, 40 CFR Part 60 or methods in "Measurement of Volatile Organic Compounds," EPA 450/2-78-041	GPO[7] NTIS[2]
Large Appliance	EPA-450/2-77-034	Low solvent coatings	(CTG pp. 5-1 to 5-4) Method 24, 40 CFR Part 60	NTIS[2] GPO[7]
		Add-on[1]	Method 25, 40 CFR Part 60 or methods in "Measurement of Volatile Organic Compounds," EPA 450/2-78-041	GPO[7] NTIS[2]

Table 1 (continued)

TEST METHODS OR PROCEDURES FOR GROUP I CTGS

Industry	CTG Document Number	Applicable Control Options	Recommended Method(s) and Document(s) Citing Test Method	Document May Be Ordered From
Bulk Terminals	EPA-450/2-77-026	Add on[1]	40 CFR 60.503 "Test Methods and Procedures", Methods 25A, 25B, 2A, 2B	GPO[7]
			Leak Tests--Monitoring During Transfer (see tank truck CTG)	
Bulk Plants	EPA-450/2-77-035	Vapor Balance System[4] Equipment Specifications and Operating Procedures	Equipment Inspection, CTG pp. 6-3	NTIS[2]
			Leak Tests--Monitoring During Transfer (see tank truck CTG)	
Service Stations--Stage I	Design Criteria *Document (DCD)*	Equipment Specifications and Operating Procedures Vapor Balance System[4]	Equipment Inspection, *DCD pp. 3-6*	ESED[3]
			Leak Tests--Monitoring During Transfer (see tank truck CTG)	
Fixed-Roof Tanks	EPA-450/2-77-036	Equipment Specifications and Maintenance Requirements Internal Floating Roof[5]	CTG pp.6-2	NTIS[2]
		Add-on[1]	Method 25, 40 CFR Part 60	GPO[7]

Table 1 (continued)

TEST METHODS OR PROCEDURES FOR GROUP I CTGS

Industry	CTG Document Number	Applicable Control Options	Recommended Method(s) and Document(s) Citing Test Method	Document May Be Ordered From
Petroleum Refineries				
Vacuum Producing Systems, Wastewater Separators and Process Unit Turnaround	EPA-450/2-77-025	Various Equipment Specifications and Operating Procedures	CTG pp. 6-2	NTIS[2]
*Cutback Asphalt	EPA-450/2-77-037	Water Emulsion	Direct Observation by Inspector	
		Emulsion Solvent Content	ASTM Distillation Test D-244	ASTM
*Degreasing	EPA-450/2-77-022	Equipment Specifications and Operating Procedures	CTG pp. 3-31, 3-33, 3-35, and 7-1 to 7-7	NTIS[2]
		Add-on Carbon Adsorber	Draft Test Method	OAQPS[6]

Table 2

TEST METHODS OR PROCEDURES FOR GROUP II CTGS

Industry	CTG Document Number	Applicable Control Options	Recommended Method(s) and Document(s) Citing Test Method	Document May Be Ordered From
Petroleum Refinery Fugitive Emissions (Leaks)	EPA-450/2-78-036	Inspection Monitoring Maintenance	Method 21, 40 CFR Part 60	GPO[7]
Surface Coating Miscellaneous Metal Parts and Products	EPA-450/2-78-015	Low Solvent Coatings	(CTG pp. 6-1) or Method 24, 40 CFR Part 60	NTIS[2] GPO[7]
		Add-on[1]	Method 25, 40 CFR Part 60	GPO[7]
Factory Surface Coating of Flatwood Paneling	EPA-450/2-78-032	Low Solvent Coatings	(CTG pp. 5-1) or Method 24, 40 CFR Part 60	NTIS[2] GPO[7]
		Add-on[1]	Method 25, 40 CFR Part 60	GPO[7]
Pharmaceutical Manufacture	EPA-450/2-78-029	Maintenance and Operation	(CTG pp. 7-2)	NTIS[2]
		Add-on[1]	Method 25, 40 CFR Part 60	GPO[7]
Rubber Tire Manufacture	EPA-450/2-78-030	Add-on[1]	Method 25, 40 CFR Part 60	GPO[7]
Graphic Arts Rotogravure and Flexography	EPA-450/2-78-033	Low Solvent Inks, High Solids Inks	Method 24A, 40 CFR Part 60	GPO[7]
		Add-on[1]	Method 25, 40 CFR Part 60	GPO[7]
External Floating Roof Tanks	EPA-450/2-78-047	Inspection Maintenance Monitoring	CTG pp. 5-1 to 5-4	NTIS[2]
*Drycleaning Perchloroethylene	EPA-450/2-78-050	Operation and Maintenance	CTG pp. 6-1 to 6-4	NTIS[2]
		Add-on Carbon Adsorption	Draft Test Method 23	OAQPS[6]

Table 2 (continued)

TEST METHODS OR PROCEDURES FOR GROUP II CTGS

Industry	CTG Document Number	Applicable Control Options	Recommended Method(s) and Document(s) Citing Test Method	Document May Be Ordered From
Gasoline Tank Trucks	EPA-450/2-78-051	Pressure-Vacuum Test	Method 27, 40 CFR 60, or CTG, Appendix B	GPO[7]
		Inspection, Monitoring, Maintenance	CTG-Appendix B-Leak Tests for Monitoring During Loading	NTIS[2]

Table 3. Test Methods or Procedures for Group III CTG's

Industry	CTG Document Number	Applicable Control Options	Recommended Method(s) and Document(s) Citing Test Method	Document May Be Ordered From
Large Petroleum Dry Cleaners	EPA-450/3-82-009	Operation and Maintenance	CTG, Appendix E	NTIS[2]
		Add-on	40 CFR Part 60, Method 25	GPO[7]
Natural Gas/Gasoline Processing Plants	EPA-450/3-83-007	Inspection Monitoring Maintenance	40 CFR Part 60, Method 21	GPO[7]
SOCMI-Fugitive	EPA-450/3-83-006	Inspection Monitoring Maintenance	40 CFR Part 60, Method 21	GPO[7]
Manufacture of High Density Polyethylene Polypropylene and Polystyrene	EPA-450/3-83-008	Add-on	40 CFR Part 60 Method 18, 25, or 25A As appropriate	GPO[7]
VOL Storage	CTG not issued as of 9/1/84			
SOCMI Air Oxidation	CTG not issued as of 9/1/84			

Footnotes

1. Add-on: Incineration, carbon adsorbers, refrigeration, refrigeration/compression/absorption, etc.

2. Order by document number from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 (nominal fee required).

3. Order from U.S. EPA, Office of Air Quality Planning and Standards, Emission Standards and Engineering Division, Chemical and Petroleum Branch, Mail Drop 13, Research Triangle Park, N. C. 27711. Document Title: "Design Criteria for Stage I Vapor Control Systems Gasoline Service Stations", November 1975.

4. Visual inspection except for leaks.

5. Visual inspection only.

6. Order from: U.S. EPA, Office of Air Quality Planning and Standards, Emission Measurement Branch, Mail Drop 19, Research Triangle Park, N. C. 27711. Method Title: "Method 23--Determination of Halogenated Organics from Stationary Sources," proposed 45 FR 39766, June 11, 1980.

7. Order from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, Document title: "Code of Federal Regulations, 40 CFR Protection of Environment, Parts 60 to 80."

* Test method currently not included in 40 CFR Part 60.

Table 4: NSPS Reference Test Methods for Volatile Organic Compounds

Method 1	Sample and Velocity Traverses for Stationary Sources, 40 CFR 60, Appendix A.
Metnod 1A	Sample and Velocity Traverses for Stationary Sources with Small Stacks or Ducts, (proposed 48 FR 48955, October 21, 1983).
Method 2	Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube) 40 CFR 60, Appendix A.
Method 2A	Direct Measurement of Gas Volume Through Pipes and Small Ducts, 48 FR 37592, August 18, 1983.
Method 2B	Determination of Exhaust Gas Volume Flow Rate from Gasoline Vapor Incinerators, 48 FR 37594, August 18, 1983.
Method 2C	Determination of Stack Gas Velocity and Volumetric Flow Rate from Small Stacks or Ducts (Standard Pitot Tube), (proposed 48 FR 48956, October 21, 1983).
Method 2D	Measurement of Gas Volume Flow Rates in Small Pipes and Ducts, (proposed 48 FR 48957, October 21, 1983).
Metnod 3	Gas Analysis for Carbon Dioxide, Oxygen, Excess Air, and Dry Molecular Weight, 40 CFR 60, Appendix A.
Metnod 4	Determination of Moisture Content in Stack Gases, 40 CFR 60, Appendix A.
Method 18	Determination of Gaseous Organic Compounds by Gas Chromatography, 48 FR 48344, October 18, 1983.
Method 21	Determination of Volatile Organic Compound Leaks, 48 FR 37600, August 18, 1983.
Method 23	Determination of Halogenated Organics from Stationary Sources, (proposed 45 FR 39766, June 11, 1980).
Method 24	Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings, 40 CFR 60, Appendix A.
Method 24A	Determination of Volatile Matter Content and Density of Printing Inks and Related Coatings. 40 CFR 60, Appendix A.
Method 25	Determination of Total Gaseous Nonmethane Organic Emissions as Carbon, 40 CFR 60, Appendix A.
Method 25A	Determination of Total Gaseous Organic Concentrations Using a Flame Ionization Analyzer, 48 FR 37595, August 18, 1983.
thod 25B	Determination of Total Gaseous Organic Concentration Using a Nondispersive Infrared Analyzer, 48 FR 37597, August 18, 1983.
Method 27	Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test, 48 FR 37597, August 18, 1983.

Table 5: VOC Contacts

Emission Measurement Branch
ESED/OAQPS
Mail Drop 13
U.S. Environmental Protection Agency
Research Triangle Park, North Carolina 27711
Telephone: (919) 541-(extension)
FTS: 629-(extension)

Specialty	Contact	Mail Drop	Telephone Extension
Method 18 23 and Hazardous Pollutant Test Methods gas chromatograph method	Kenneth W. (Bill) Grimley	19	2237
Method 21 and Fugitive VOC Test Methods	Winton Kelly	13	5543
Methods 24, 24A, and 25	Gary McAlister	19	2237
Method 25	Clyde E. (Gene) Riley	13	5543
Methods 25A, 25B, 27, Surface Coating, and Gasoline Marketing Test Methods	Nancy D. McLaughlin	13	5543
Flow Measurement Methods (1, 1A, 2, 2A, 2B. 2C, 2D, 3, 4)	Any of above		

PN 172-84-06-25-047

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

25 JUN 1984

MEMORANDUM

SUBJECT: Confirmation of Definition of "100-Ton-Per-Year (100 TPY) Source"

FROM: G. T. Helms, Chief
Control Programs Operations Branch (MD-15)

TO: James Wilburn, Chief
Air Monitoring Branch, Region IV

As a follow-up to our recent telephone conference call with the State of Alabama, attached are copies of guidance memos and a letter related to the definition of a 100 TPY source. These guidance documents all contain the principle of combining all similar or connected operations at a plant to determine 100 TPY.

1. Memorandum dated September 7, 1978, from Richard G. Rhoads, Director, Control Programs Development Division, to Director, Air and Hazardous Materials Division, Regions I, III-X, and Director, Environmental Programs Division, Regions II, entitled "Clarification of Degreasing Regulations."

> However, States should not exempt all open top vapor degreasers or conveyorized degreasers which individually emit less than 100 tons/year in rural nonattainment areas because large scale users may have over 100 separate degreasing operations at one plant location. If a State chooses to exempt open top or conveyorized degreasing operations in rural nonattainment areas, the limitation should be 100 tons or less on a facility-wide basis based on annual solvent purchase records.

2. Memorandum dated August 8, 1980, from G. T. Helms, Chief, Control Programs Operations Branch, to John L. Hanisch, Mobile Source Emissions Section, Region I, entitled "Request for Confirmation of the Definition of a 100-Ton Source as Applied to Control in the Gasoline Storage and Marketing Chain."

> As stated in previous determinations of 100 tons/year sources, . . . potential emissions from all similar or connected CTG category sources on a facility-wide basis should be added together to determine if CTG control is required. In the case of bulk gasoline terminals, this would be based on potential emissions from tank trucks (using the appropriate emission factor for splash or submerged fill and the loading rack throughput) as well as potential emissions from storage tanks if they are located on contiguous or

> adjacent properties which are owned or operated by the same person (or by persons under common control).

3. Memorandum dated August 22, 1980, from Richard G. Rhoads, Director, Control Programs Development Division, to Thomas W. Devine, Director, Air and Hazardous Materials Division, Region IV, entitled "The Use of Permit Conditions to Define Potential to Emit."

> However, it is pointed out that in determining if a bulk gasoline terminal is a 100 TPY source, the gasoline throughput of the terminal as well as the emissions from gasoline storage tanks at the facility must be added together.

4. Letter dated May 10, 1983, from William L. Polglase, Technical Guidance Section, to Victoria Martinez, Florida Department of Environmental Regulation, confirming that the 100 TPY potential emission exemption for graphic art systems applies to plantwide emissions, not to each printing line.

> . . . this will confirm that the 100-ton per year exemption for existing graphic arts facilities affected by the graphic arts control technique guidelines, relates to plantwide emissions, not to each printing line.

5. Memorandum dated October 11, 1978, from G. T. Helms, Chief, Control Programs Operations Branch, to Chief, Air Branch, Regions I-X, entitled "Questions and Answers on 1979 SIP Revisions (Cutback Asphalt Category)."

> Q. What is considered a "100 tons/year source" for the cutback asphalt category? (10/11)
>
> A. Emissions from this CTG category result from several points and operations including the mixing plant, paving operations, and from the curing of the road surface itself. Because of the possible combinations of emissions points, the cutback asphalt category should be viewed as an area source and any "100 ton" calculations should consider all State, local, and private uses of asphalt in the nonattainment area. Accordingly, States should be encouraged to adopt limitations of the manufacture, sale, and use of cutback asphalt on a Statewide basis. However, such a limitation could be avoided in rural areas if it can be demonstrated that the total emissions from the use of cutback asphalt in the entire area for which a strategy is being developed does not exceed 100 tons/year.

It is hoped that these citations will be helpful in the resolution of the definition of a 100 TPY source with the State of Alabama.

cc: Chief, Air Branch, Regions I-X
VOC Contacts, Regions I-X

Attachments

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

JUN 25 1984

MEMORANDUM

SUBJECT: Applicability of Group III Control Techniques Guidelines (CTG's)

FROM: Darryl D. Tyler, Director
Control Programs Development Division (MD-15)

TO: Director, Air Management Division
Regions I, III, V, IX
Director, Air and Waste Management Division
Region II, IV, VI-VIII, X

In my May 21, 1984, memorandum to the Regional Air Directors, I solicited your thoughts on taking action in areas not meeting the volatile organic compound (VOC) Group III CTG regulation submittal dates. A number of Regions have voiced concern over the applicability of the memo to rural nonattainment areas and to urban areas that appear to have attained the ozone standard but do not have sufficient information available at this time to document attainment.

Although my memorandum stated the current EPA policy as cited in Part 52 of the Code of Federal Regulations (e.g., 52.53 "Approval Status" - as cited on page 287 of "Worksnop on Requirements for Nonattainment Area Plans," and as cited in the April 4, 1979, general preamble), many Regions were surprised by this requirement and indicated that it would either be resisted by many States or lead to a number of premature redesignation requests.

In view of the Regional concern related to the applicability of Group III CTG's to rural nonattainment areas and urban areas with 1982 attainment dates not subject to a call for revision under Section 110(a)(2)(H), I intend to review this policy for these areas. The Regions are advised to refrain from pressing States for action regarding the submittal of Group III regulations in these nonattainment areas pending a review of the regulation submittal requirements. No requests were received to reconsider the requirements in extension areas and urban areas which have received Section 110(a)(2)(H) calls. Hence, I would not expect a change in policy in these areas. You should advise your States accordingly.

PN 172-84-01-20-045

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

Polyfase

JAN 20 1984

MEMORANDUM

SUBJECT: Averaging Times for Compliance With VOC Emission Limits - SIP Revision Policy

FROM: John R. O'Connor, Acting Director
Office of Air Quality Planning and Standards (MD-10)

TO: Director, Air and Waste Management Division
Regions II-IV, VI-VIII, X
Director, Air Management Division, Regions I, V, IX

The purpose of this memorandum is to clarify the Agency's policy regarding emission time averaging for existing sources of volatile organic compounds (VOC's). Numerous State Implementation Plan (SIP) revisions, both broad regulations and source-specific changes, have been submitted which provide for compliance determinations by "time averaging" emissions of VOC for periods exceeding 24 hours. These requests and the following policy on this subject were discussed extensively at a recent meeting attended by those Regional Offices which have the most pending actions (Regions I, III, IV, V); the Office of Air Quality Planning and Standards; and the Office of General Counsel. This policy represents the consensus of the meeting attendees.

The objective of EPA's national VOC emissions control program is the timely attainment and maintenance of the national ambient air quality standard (NAAQS) for ozone. SIP revisions and other regulatory actions relating to VOC control must maintain the integrity of this basic objective. There should be assurances that VOC emission control is reasonably consistent with protecting this short-term ozone standard. Further, since SIP's and associated VOC control programs contemplate the actual application of reasonably available control technology (RACT), regulatory actions that incorporate longer term averages to circumvent the installation of overall RACT level controls cannot be allowed.

NOTE: The Federal Register notice mentioned in this memorandum is not included in the Policy and Guidance Notebook.

Current Agency guidance specifies the use of a daily weighted average for VOC regulations as the preferred alternative where continuous compliance is not feasible. An example might be where a facility operates in a batch manner with multiple lines and various products. Reference is made to the December 8, 1980, Federal Register (copy attached) where can coating operators are allowed to "bubble" several production lines and average emissions over a 24-hour time period.

The preferred daily weighted average alternative may not be feasible in all cases. Where the source operations are such that daily VOC emissions cannot be determined or where the application of RACT for each emission point (line, machine, etc.) is not economically or technically feasible on a daily basis, longer averaging times can be permitted under certain conditions. In determining feasibility, consideration might be given, for example, to the extent to which modifications can be made to testing, inventory, or recordkeeping practices in order to quantify daily emissions. Also, variability or lack of predictability in a source's daily operation might be considered as well as availability of control technology or the physical impediment or restriction to control equipment installation. In order to allow longer than daily averaging in SIP regulations, the following conditions or principles must be honored:

1. Real reductions in actual emissions must be achieved, consistent with the RACT control levels specified in SIP's or the control technique guidelines (CTG's). These limits are typically expressed in terms of VOC per unit of production (a qualitative term such as lbs VOC/gal coating). Where it is not feasible to specify emission limits in such terms, emission limits per unit of time can be approved provided that:

   a. The emission limits reflect typical (rather than potential or allowable) production rate and operating hours. These emission limits must truly reflect emissions reductions consistent with RACT and are not simply an artificial constraint on potential emissions. This must be supported in the SIP revision by historical production and operation data.

   b. Nonproduction or equipment downtime credits are not allowed in the emission limit calculation unless a Federally enforceable document specifically restricts operation during these times. Such credit must be based on real, historical emissions.

2. Averaging periods must be as short as practicable and in no case longer than 30 days.

3. A demonstration must be made that the use of long-term averaging (greater than 24-hour averaging) will not jeopardize either ambient standards attainment or the reasonable further progress (RFP) plan for the area. This must be accomplished by showing

that the maximum daily increase in emissions associated with long-term averaging is consistent with the approved ozone SIP for the area.

4. Sources in areas lacking approved SIP's, or in areas with approved SIP's but showing measured violations, cannot be considered for longer term averages until the SIP has been revised demonstrating ambient standards attainment and maintenance of RFP (reflecting the maximum daily emissions from the source with long-term averaging).

Meaningful short-term (i.e., daily) emission caps are desirable especially for sources subject to large fluctuations in emissions. The use of a daily cap (equal to or less than current average emissions on a daily basis) that limits short-term emissions to RACT equivalent levels would meet the above objective of ensuring VOC control that is consistent with attaining the NAAQS for ozone.

States have the primary responsibility to show adherence to the above principles and, to do so, must include the following information (in detail) in all SIP revision requests that seek VOC averaging times greater than 24 hours:

1. The VOC limits specified in an enforceable form with appropriate compliance dates.

2. A description of the affected processes and associated historical production and operating rates.

3. A description of the control techniques to be applied to the affected processes such as low solvent and waterborne coating technology and/or add-on controls.

4. The nature of the emission control program whether a bubble, a regulation change, a compliance schedule, or some other form of alternative control program.

5. The method of recordkeeping and reporting to be employed to demonstrate compliance with the new emission limit requirement and to support the showing that the emission limit is consistent with RFP and the demonstration of attainment.

Each EPA Regional Office shall have the primary responsibility for determining the approvability of application requests. However, in order to assure Regional consistency, coordination with the Office of Air Quality Planning and Standards staff is encouraged during the initial development of any single "time average" SIP revision or regulation. Also, all SIP revisions involving long-term averaging must be proposed in the Federal Register with an explanation of how the principles listed above have been satisfied.

Should there be any questions on this policy, please call Tom Helms (FTS 629-5526) or Brock Nicholson (FTS 629-5516).

Attachment

cc: Barbara Bankoff
Ron Campbell
Jack Farmer
Mike Levin
Ed Reich
B. J. Steigerwald
Darryl Tyler
Peter Wyckoff
Chief, Air Branch, Regions I-X
Regional Administrator, Regions I-X

In order to conserve space, the Federal Register notice entitled:

> Compliance with the Statutory Provisions of Part D of the Clean Air Act (48 FR 50686, November 7, 1983)

is not included in the Air Programs Policy and Guidance Notebook. Please refer to this notice for EPA policy/guidance related to this subject.

In order to conserve space, the Federal Register notice entitled:

> Municipal Wastewater Treatment Works; Construction Grants Limitations Provided by Section 316 of the Clean Air Act; Policy and Procedures (45 FR 53382, August 11, 1980)

is not included in the Air Programs Policy and Guidance Notebook. Please refer to this notice for EPA policy/guidance related to this subject.

PN 172-82-10-29-041

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE OCT 29 1982 Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

SUBJECT Questions and Answers on 1982 Ozone and CO SIP's

FROM Darryl D. Tyler, Director
Control Programs Development Division (MD-15)

TO Director, Air and Waste Management Division, Region I-IV, VI-VIII, X
Director, Air Management Division, Regions I, V, IX

The following questions and answers are in response to issues raised by Regions regarding the processing of 1982 ozone and CO SIP's. Two previous memorandums dated August 6, 1982, and August 11, 1982, have been distributed. This is the third of that series. The following questions and answers have been reviewed and agreed upon by all affected Headquarters staff offices.

1. Can nonattainment areas which previously were approved as demonstrating attainment for carbon monoxide or ozone by December 31, 1982, now apply for an extension?

No. Section 129(c) of Public Law 95-95 (which was not codified as part of the Clean Air Act) required submittal of these extension requests by January 1, 1979. Accordingly, any State that did not request and receive an extension of the attainment date for ozone and carbon monoxide at that time cannot get one now.

2. Can areas which have received extensions beyond December 31, 1982, for a date prior to December 31, 1987, now modify their attainment dates?

Yes. If the revised estimates in the July 1982 submittal demonstrate that the attainment date needs to be modified, it is possible to revise the date. However, the control strategy measures must be implemented expeditiously and result in attainment no later than December 31, 1987. It is not appropriate to extend the attainment date simply to allow a State to delay the implementation of a measure which otherwise could be reasonably implemented sooner.

3. Can areas which have received extensions beyond December 31, 1982, now rescind the requests if they can now demonstrate attainment by December 31, 1982?

Yes. However, given the proximity of the 1982 attainment date, care should be taken to consider all available air quality data.

EPA Form 1320-6 (Rev. 3-76)

4. How should attainment demonstrations based on ranges of reduction rather than a specific reduction target be reviewed?

The EPA review should be based on a specific emission target. If the State identifies a "most probable" value within the range, this should be the value chosen. Where the State does not distinguish this value within the range, efforts should be made to ask the State to clarify the "most probable" emission target. Where the State will not provide any additional clarification and the entire range represents values which the State indicates are possible, then the review should be based on the high end of the range. (See Attachment 1--memorandum from OGC.) In such cases, the Federal Register proposal notice should clearly describe the emission target that the review is based upon.

5. How long a period should we allow for public comments?

The minimum required comment period is 30 days. Since the Act requires expeditious processing, we would recommend extending the comment period beyond 30 days only for unusual circumstances. To assure adequate public notice, I also strongly recommend a notice of availability for the SIP submittal. Attachment 2 is an example notice.

6. Could Headquarters provide recommended Federal Register boilerplate language for proposing disapproval of SIP's?

Attachment 3 to this memorandum is language prepared by OGC. For additional information or clarification please contact Tina Kaneen at 755-9301.

3 Attachments*

cc: Chief, Air Branch, Regions I-X
Charles Carter
Charles Elkins
Jack Hidinger
Sheldon Meyers
Ed Reich
Richard Wilson

* The three attachments are not included in the Policy and Guidance Notebook.

☆ U.S. GOVERNMENT PRINTING OFFICE: 1984—739-747/540

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE MAY 21 1981 Research Triangle Park, North Carolina 27711 PN 172-81-05-21-038

SUBJECT . 1982 Ozone and Carbon Monoxide SIP Guidance Index

FROM G. T. Helms, Chief for
Control Programs Operations Branch (MD-15)

TO Chief, Air Programs Branch, Regions I-X

To assist you in your 1982 ozone and carbon monoxide SIP efforts, we have compiled an index of 1982 SIP guidance. It is divided into eight sections: General 1982 Ozone and Carbon Monoxide SIP Information, Emission Inventories, Inspection/Maintenance, Transportation, Modeling, Monitoring, Stationary Source Control, and Carbon Monoxide. The intent of the index is to identify all relevant documents pertaining to the preparation and review of 1982 ozone and carbon monoxide SIP revisions.

We intend to update the index periodically and will keep you informed of any additions or revisions we make to it. If there is guidance of national significance that you feel should be included in the index, please let me know.

I hope you find this information helpful. If you have any questions or comments regarding it, please call me or Jane Kelly of my staff at FTS 629-5665.

Attachment

May 1981

1982 OZONE AND CARBON MONOXIDE SIP GUIDANCE

A. General 1982 Ozone and Carbon Monoxide SIP Information

1. Memo entitled "Use of 1980 Census Information in Developing the 1982 State Implementation Plan Revisions," from Edward Tuerk, Acting Assistant Administrator to Directors, Air and Hazardous Materials Division, dated April 20, 1981.

2. Final Policy for Approval of 1982 Ozone and Carbon Monoxide Plan Revisions for Areas Needing an Attainment Date Extension (46 FR 7182, January 22, 1981).

3. Memo entitled "Data Collection for 1982 Ozone SIPs," from Robert Neligan to Directors, Air and Hazardous Materials Division, Regions I-X, dated November 13, 1980.

4. Proposed Policy for Approval of 1982 Ozone and Carbon Monoxide Plan Revisions for Areas Needing an Attainment Date Extension (45 FR 64856, September 30, 1980).

5. Memo entitled "Policy and Procedures to Implement Section 316 of the Clean Air Act, as Amended," from Douglas M. Costle to Regional Administrators, Regions I-X, dated July 28, 1980 (45 FR 53382).

6. Data Collection for 1982 Ozone Implementation Plan Submittals, (44 FR 65667, November 14, 1979).

7. Intergovernmental Consultation, 40 CFR Part 51, Subpart M, June 18, 1979 (44 FR 35176).

8. General Preamble for Proposed Rulemaking on Approval of State Implementation Plan Revisions for Nonattainment Areas (44 FR 20372, April 4, 1979). Supplements to General Preamble for Proposed Rulemaking: (44 FR 25243, April 30, 1979), (44 FR 38583, July 2, 1979), (44 FR 50371, August 28, 1979), (44 FR 53161, September 17, 1979), (44 FR 67182, November 23, 1979).

9. Memo entitled "Criteria for Approval of 1979 SIP Revisions," from Douglas M. Costle to Regional Administrators, Regions I-X, dated February 24, 1978 (43 FR 21673).

10. Memo entitled "Determination of Emission Reduction Responsibilities," from David Hawkins to Regional Administrators, dated April 1, 1978.

B. Emission Inventories

1. AP - 42, Part A (Third Edition) Compilation of Air Pollution Emission Factors.

2. AP - 42, Part B (Third Edition) Compilation of Air Pollution Emission Factors.

3. AP - 42, Supplement 11 (Third Edition), October 1980, Compilation of Air Pollution Emission Factors.

4. AP - 42. Supplement 10, February 1980 (Third Edition) Compilation of Air Pollution Emission Factors.

5. AP - 42, Supplement 9, July 1979, (Third Edition) Compilation of Air Pollution Emission Factors.

6. AP - 42, Supplement 8, May 1978, (Third Edition) Compilation of Air Pollution Emission Factors.

7. Example Emission Inventory Documentation for 1982 Ozone State Implementation Plans (SIPs), EPA-450/4-80-033, March 1981.

8. Guidelines for Review of Highway Emission Inventories for 1982 Ozone SIPs, EPA-440/12-80-002, February 1981.

9. Directory of Volatile Organic Compound Sources Covered by Reasonably Available Control Technology (RACT) Requirements, Volumes I-III, Groups I-III RACT Categories, EPA-450/4-80-007a, b, c, February 1981.

10. Memo entitled "Mobile 2 Errata" from Charles Gray to Directors, Air and Hazardous Materials Division, Regions I-X, dated April 22, 1981.

11. Memo entitled "Use of Mobile 2 for 1982 SIP Submittals," from Charles Gray to Directors, Air and Hazardous Materials Division, Regions I-X, dated December 12, 1980.

12. Final Emission Inventory Requirements for 1982 Ozone State Implementation Plans, EPA-450/4-80-016, December 1980.

13. Procedures for the Preparation of Emission Inventories for VOCs, Volume I, Second Edition, EPA-450/2-77-028, September 1980.

14. Development of Questionnaires for Various Emission Inventory Uses, EPA-450/3-78-122, June 1979.

15. Volatile Organic Compound (VOC) Species Data Manual, (Second Edition), EPA-450/4-80-015, July 1980.

16. Point and Area Source Checklist for Evaluating 1982 Ozone SIP Emission Inventories, Air Monitoring Technology Branch, Monitoring and Data Analysis Division, Office of Air Quality Planning and Standards, dated March 1981.

17. VOC RACT Sources Missing from NEDS, EPA-450/4-81-018, dated February 1981.

18. Workbook for VOC/NO_x Emission Inventory Requirements for 1982 Ozone SIPs, Monitoring and Data Analysis Division, Control Programs Development Division, Office of Air Quality Planning and Standards, dated October 1980.

C. Inspection/Maintenance

1. Training for Inspection and Maintenance Programs, Mobile Source Division, Ann Arbor, Michigan (EPA-AA-IMS-81-14), dated April 1981.

2. Memo entitled "I/M Program 1982 SIP Processing," from Charles Gray to Directors, Air and Hazardous Materials Division, Regions I-X, dated March 12, 1981.

3. Memo entitled "Questions on Inspection/Maintenance," from Michael Walsh to Directors, Air and Hazardous Materials Division, Regions I-X, dated January 19, 1981.

4. Memo entitled "EPA Public Awareness Guidelines for I/M," from David G. Hawkins to Regional Administrators, January 19, 1981.

5. Recommendations Regarding the Selection of Idle Emission Inspection Cutpoints for Inspection/Maintenance Programs, Mobile Source Division, Ann Arbor, Michigan (EPA-AA-IMS/81-1), dated January 1981.

6. Letter regarding Waiver Systems, from Tom Cackette to Kenneth A. Hagg (Massachusetts), November 10, 1980.

7. Memo regarding Implementation Issues Regarding EPA Recommended I/M Emission Analyzer Specifications, from David Hawkins to Regional Administrators, dated September 24, 1980.

8. Recommended Specifications for Emission Inspection Analyzers, Mobile Source Division, Ann Arbor, Michigan, dated September 1980.

9. Memo regarding Pennsylvania's Proposed I/M Surveillance System, from Donald White to Robert Blanco (Region III), dated September 23, 1980.

10. Memo clarifying Section F of the I/M Policy, from Tom Cackette to Stan Coerr (Region IV), dated September 19, 1980.

11. Emission Control System Performance Warranty Regulations (45 FR 34802, May 22, 1980).

12. Letter regarding Mechanics Training Credits, from Donald White to Tom Snyder (Maryland), dated February 19, 1980.

13. Memo regarding Inspection/Maintenance Policy, from David G. Hawkins to Regional Administrators, dated February 21, 1979.

14. Memo entitled "Inspection/Maintenance Policy," from David G. Hawkins to Regional Administrators, Regions I-X, dated July 17, 1978.

15. Memo regarding Parameter Inspection as a Suitable I/M Alternative for the State of Texas, from David G. Hawkins to Adlene Harrison (Region VI), dated August 1, 1978.

D. Transportation

1. Proposed Policy - EPA-DOT Basic Transportation Needs, September 18, 1980 (45 FR 62170).

2. EPA-DOT Procedures for Conformance of Transportation Plans, Programs and Projects with Clean Air Act State Implementation Plans, June 12, 1980.

3. EPA-DOT Expanded Public Participation Guidelines, May 1, 1980 (45 FR 42032).

4. Checklist for Review of Transportation Portions of 1979 SIP Submissions, October 1978.

5. Memorandum of Understanding Between DOT and EPA Regarding the Integration of Transportation and Air Quality Planning, June 1978.

6. EPA-DOT Transportation-Air Quality Planning Guidelines, June 1978.

E. Modeling

1. Addendum to User's Manual to Kinetics Model and Ozone Isopleth Plotting Package, G. L. Gipson, Air Monitoring Technology Branch, Office of Air Quality Planning and Standards, May 1981.

2. User's Manual for Mixing Height Computer Programs by R. F. Kelly, Air Monitoring Technology Branch, Office of Air Quality Planning and Standards, May 1981.

3. Letter to Mr. L. Bruckman, Connecticut Department of Environmental Protection, from Edwin Meyer, Chief, Technical Development Section, Air Management Technology Branch, EPA, regarding questions about modeling procedures in Connecticut, dated April 9, 1981.

4. Guidelines for Use of City-Specific EKMA in Preparing Ozone SIPs, EPA-450/4-80-027, March 1981.

5. Proposed Rulemaking Deleting Rollback as an Acceptable Ozone Modeling Methodology (46 FR 7193, January 22, 1981).

6. Memo entitled "OAQPS Position on Organic Species and Continuous NMOC Data Collection for the 1982 Ozone SIPs," from Richard G. Rhoads to Director, Air and Hazardous Materials Division, Regions I-X, January 8, 1981.

7. User's Manual for Kinetics Model and Ozone Isopleth Plotting Package, July 1978.

6. Procedures for Quantifying Relationships Between Photochemical Oxidants and Precursors: Supporting Documentation, EPA-450/2-77-02 1b, February 1978.

7. Uses, Limitations, and Technical Basis of Procedures for Quantifying Relationships Between Photochemical Oxidants and Precursors, EPA-450/2-77-021a, November 1977.

8. AP - 101, Mixing Heights, Wind Speeds and Potential for Urban Air Pollution Throughout the Contiguous United States, 1972.

9. Memo entitled "Ozone Modeling for the 1982 SIP Submittal for Denver," from Richard G. Rhoads to Robert L. Duprey, Director, Air and Hazardous Materials Division, Region VIII, dated June 4, 1980.

10. Guideline on Air Quality Models, EPA-450/2-78-027, April 1978.

F. Monitoring

1. Technical Assurance Document for the Calibration and Operation of Automated Ambient Nonmethane Organic Compound Analysis, EPA-600/4-81-015, dated March 1981.

2. Determination of Nonmethane Organic Carbon (NMOC) by Cryogenic Preconcentration and Flame Ionization Detection, by R. K. M. Jayanty and A. Blackard, EPA Contract Officer, Frank McElroy, Methods Standardization Branch, Quality Assurance Division, Environmental Monitoring Systems Laboratory, dated March 1981.

3. Memo entitled "Policy on Inclusion of Summary 1981 Monitoring as Part of the 1982 SIP," from R. G. Rhoads to Harley Laing, Chief, Air Branch, Air and Hazardous Materials Division, Region I, dated March 9, 1981.

4. Guidance on Monitoring Upwind of Urban Areas for Determining Transport of Ozone and Its Precursors (DRAFT), June 1980.

5. Guidance for Collection of Ambient Nonmethane Organic Compound (NMOC) Data for Use in 1982 Ozone SIP Development, and Network Design and Siting Criteria for the NMOC and NO_x Monitors, EPA-450/4-80-011, June 1980.

6. Guidance for the Collection and Use of Ambient Hydrocarbon Species Data in Development of Ozone Control Strategies, EPA-450/4-80-008, April 1980.

7. Ozone and Precursor Transport Into an Urban Area: Evaluation of Measurement Approaches, EPA-450/4-79-039, December 1979.

8. Assessment of Vertical Distributions of Photochemical Pollutants and Meteorological Variables in the Vicinity of Urban Areas, EPA-450/4-79-017, August 1979.

9. Site Selection for the Monitoring of Photochemical Air Pollutants, EPA-450/3-78-013, April 1978.

G. Stationary Source Control

H. Carbon Monoxide

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: FEB 6 1981

PN 172-81-02-06-036

SUBJECT: Storage Tank Vapor Balance Requirements at Synthesized Pharmaceutical Products Manufacture Facilities

FROM: Darryl D. Tyler, Acting Director
Control Programs Development Division (MD-15)

TO: Director, Air and Hazardous Materials Division, Regions I-X

It has been brought to my attention that, in some instances, States are excluding the requirement for storage tank vapor balance from the Group II Synthesized Pharmaceutical Products Manufacture regulation. The primary reasons cited are that vapor recovery regulations are not required for the tank trucks nor for facilities loading pharmaceutical VOC into tank trucks; hence, enforcement of the vapor balance requirement would perhaps be difficult.

The Synthesized Pharmaceutical Products Manufacture CTG includes a recommended guideline (P. 1-6) that storage tanks greater than 2000 gallons and storing VOC with a vapor pressure greater than 28 kPa (4.1 PSI) at 20° C be equipped with a vapor balance system or equivalent system that is at least 90 percent effective in reducing emissions except where tanks are equipped with floating roofs, vapor recovery, or equivalent. This guideline does not apply to transfer of VOC from one in-plant location to another.

The Emission Standards and Engineering Division included the pharmaceutical storage tank vapor balance requirement in the CTG because, theoretically (assuming saturated vapors), a 50 percent reduction of VOC emissions to the atmosphere would result if the storage tanks were vapor balanced since venting would only occur at the facility where the liquid VOC is loaded into the tank truck. Without vapor balance, VOC vapor would be vented from (1) the storage tank at the pharmaceutical plant during the tank truck unloading operation and (2) the tank truck during loading of liquid VOC at the loading facility (assuming that ambient air drawn into the tank truck during unloading operations becomes saturated with VOC).

It is our opinion that inclusion of the pharmaceutical storage tank vapor balance requirement in the State regulations is desirable. However, if a State determines that it is unreasonable for certain plants to incorporate a vapor balance system because of the technical reasons listed above and subsequently exempts such systems in the regulations, EPA should not disapprove the SIP for the exemption. Care must be taken to ensure that no emission reduction credit is allowed if this provision is not included in the pharmaceutical regulations.

Should you have further questions on this, please call me at 629-5251 or Brock Nicholson or Bill Polgiase of my staff at 629-5516.

cc: Chief, Air Programs Branch, Regions I-X

PN-172-80-12-2-035

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

DATE: DEC 2 1980

SUBJECT: RACT for Specialty Printing Operations

FROM: Richard G. Rhoads, Director
Control Programs Development Division (MD-15)

TO: Director, Air and Hazardous Materials Division
Regions I - X

A memorandum from Tom Helms dated August 4, 1980, "Applicability of Paper Coating, Fabric Coating, and Graphic Arts CTGs," indicated that specialty printing should be covered under the Paper Coating and Fabric Coating CTGs. That memo was issued to try to remove the confusion regarding which processes are subject to the Paper Coating and Fabric Coating CTGs (Volume II), and which are subject to the Graphic Arts CTG (Volume VIII). Owners of specialty printing operations reportedly have historically considered themselves part of the graphic arts industry. Some States have also considered them to be graphic arts processes.

The August 4 memo recognized that the control technology embodied in the Paper and Fabric Coating CTGs can be applied to specialty printing operations. However, case-by-case determinations would be necessary to provide relief for those specific operations that are so similar to conventional printing, that the emission limitations in the Paper and Fabric Coating CTGs might not be appropriate. Unfortunately, the numbers and variety of specialty printers have made such determinations exceedingly complex for both industry and many States. Recent discussions with industry and State agencies confirm the continuing existence of these misunderstandings.

We are revising our August 4 memo to allow States, if they deem it appropriate, to control specialty printing under the Graphic Arts CTG using the emission limits specified in that document. However, a State may also decide that a particular type of specialty printing is so similar to a paper or fabric coating operation that such installations should be controlled under the provisions of the Paper or Fabric Coating CTG. Those States still in the process of negotiating compliance schedules with specialty printers based on the Paper and Fabric Coating CTGs should continue such negotiations.

Specialty printing operations may be considered to be all gravure and flexographic operations which print a design or image, excluding publication gravure and packaging printing. Specialty printing operations include, among other things, printing on paper cups and plates, patterned gift wrap, wallpaper, and floor coverings.

All coating operations, including gravure operations, where the coating line applies only a uniform layer of material across the entire width of the web, will continue to be subject to the definitions and controls in the Paper and Fabric Coating CTGs (Volume II).

For additional information, contact Tom Williams (629-5226).

cc: Chief, Air Programs Branch, Regions I-X
VOC Contacts, Regions I-X

PN-172-80-12-2-034

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

DATE: DEC 2 1980

SUBJECT: Cost Effectiveness for RACT Application to Leaks from Petroleum Refinery Equipment

FROM: G. T. Helms, Chief
Control Programs Operations Branch (MD-15)

TO: Chief, Air Branch, Regions I-X

At the time the CTG for "Control of Volatile Organic Compound Leaks from Petroleum Refinery Equipment" (EPA 450/2-78-036) was issued, emission factors were in the process of being revised. Therefore, the emission reductions, recovered product savings, and cost effectiveness of controlled VOC could not be determined for this CTG category. The emission factors have now been quantified and the cost effectiveness of applying RACT to leaks from a model refinery has been calculated. The CTG indicates that a medium-size model refinery has a capacity of 15,900 m^3/day (100,000 bbl/day). Please note that the emission reduction and cost are a function of the number of components and not simply a function of the throughput.

The uncontrolled and controlled emissions are listed in Attachment 1. The calculation of the quantity of recovered product is presented in Attachment 2. The calculation of cost effectiveness is presented in Attachment 3.

Attachments 2 and 3 show that RACT, as applied to a medium-sized model refinery in this VOC source category, is estimated to prevent the release of approximately 2200 Mg of VOC per year, with an estimated value of $330,000. Deducting the annualized costs of capital, monitoring and maintenance labor, and overhead result in a first year savings of $205,000 and subsequent year savings of $275,000 per year. This equates to a cost effectiveness credit of about $93 and $125 per Mg of recovered product.

This information may be helpful to the States in developing regulations for controlling leaks from petroleum refineries. If there are additional questions, please call Tom Williams at 629-5226.

Attachments

cc: VOC Contact, Regions I-X

Attachment 1

Emission Factors

Source	Uncontrolled[1] Emission Factor[a] kg/day	Controlled[1,2] Emission Factor[a] kg/day	Number of sources[3] at model refinery
Pumps			
Light liquid[b]	2.7	0.86	125
*Heavy liquid[c]	0.50	0.50	125
Compressors[d]	15	3.2	14
Valves			
Gas[e]	0.64	0.091	6,000
Light liquid[b]	0.26	0.091	9,750
*Heavy liquid[c]	0.005	0.005	9,750
Drains	0.77	0.50	1,400
Pressure relief devices (gas)	3.9	1.4	130
*Flanges	0.007	0.007	64,000

a Average emissions from each source
b Defined as lighter than kerosene
c Defined as kerosene and heavier
d Hydrocarbon service
e Gas at operating conditions

---

[1]Assessment of Atmospheric Emissions from Petroleum Refining, Volume 3, Appendix B. EPA 600/2-80-075c, April 1980.

[2]Proceedings: Symposium on Atmospheric Emissions from Petroleum Refineries (November 1979, Austin, TX). EPA 600/9-80-013, March 1980, pp. 421-440.

[3]Control of Volatile Organic Compound Leaks from Petroleum Refinery Equipment. EPA 450/2-78-036, June 1978.

*Cost of monitoring is not included in the cost figures because it is assumed these components will be exempt from the monitoring provisions.

Attachment 2

Calculation of Recovered Product for a Medium-Size Model Refinery (15,900 m^3/day) (100,000 bbl/day)

Operating Factor = 365 days/year

Emissions

$$\frac{(\text{Emission Factor, kg/day})\ (\text{days/yr})\ (\text{no. of sources})}{10^3\ \text{kg/Mg}} = \text{emissions, Mg/year}$$

Source	Uncontrolled Emissions Mg/yr	Controlled Emissions Mg/yr	Recovered Product Mg/yr
Pumps			
Light Liquid	123	39	84
Heavy Liquid	23	23	0
Compressors	77	16	61
Valves			
Gas	1,402	199	1,203
Light Liquid	925	324	601
Heavy Liquid	18	18	0
Drains	393	256	137
Pressure Relief Devices (Gas)	185	66	119
Flanges	164	164	0
TOTALS	3,310	1,105	2,205

NOTE: Conversion - Mg/yr x 1.1 = tons/yr

Attachment 3

Cost Effectiveness Calculations

Annual product recovery credits = annual emission reduction x recovered product value

= 2205 Mg/yr x $150/Mg[1]

= $330,000/yr

Total annualized cost - annual product recovery credit = savings

First year cost $125,000/yr[2] - $330,000 = ($205,000)

On-going annual cost $55,000/yr[2] - $330,000 = ($275,000)

$$\text{Cost effectiveness} = \frac{\text{total annualized cost}}{\text{annual emission reduction}}$$

$$\text{First year} = \frac{(\$205,000)}{2205\ \text{Mg}} = (\$92.97/\text{Mg})\ (\$84.34/\text{T})$$

$$\text{On-going year} = \frac{(\$275,000)}{2205\ \text{Mg}} = (\$124.72/\text{Mg})\ (\$113.14/\text{T})$$

( ) indicates savings

[1]From CTG - basis 1977 fourth quarter. (The recovered product valve has increased substantially from 1977 and the cost of the monitoring and repair program has also increased.

[2]Developed using the CTG and the preliminary Draft of Background Information for Proposed Standards for VOC Fugitive Emissions in Synthetic Organic Chemical Manufacturing Industry, page 7-3, EPA, RTP, North Carolina, March 1980.

PN-172-80-12-1-033

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

DATE: DEC 0 1 1980

SUBJECT: Revised Seasonal Afterburner Policy

FROM: Walter C. Barber, Director
Office of Air Quality Planning and Standards (MD-10)

TO: Director, Air and Hazardous Materials Division
Regions I-X

On July 28, 1976, the Agency issued its policy on the "Seasonal Operation of Natural Gas-Fired Afterburners." This policy authorized the approval of SIP revisions without a detailed, time-consuming analysis of air quality impact if the seasonal shutdown period was consistent with that delineated in a staff study ("Oxidant Air Quality and Meteorology," February 6, 1976) and if existing air quality showed no past violations in the months during which the afterburners were shut down. Because of the nation's continuing need to conserve energy resources and because of the revision to the national ambient air quality standard for ozone, we have reconsidered a portion of this policy.

An analysis of available ambient air quality data concluded that exceedances of the revised national ambient air quality standard for ozone do not occur in the November through March period, except for areas of southern California and the Gulf Coast. As a result of this analysis, it is appropriate at this time to modify the "seasonal afterburner policy" to state that any plan revisions which provide for afterburner shutdown in the period of November through March outside of southern California and the Gulf Coast should be proposed for approval. All other portions of the original policy remain unchanged, namely:

(1) The policy applies to gas-fired afterburners installed to control emissions of volatile organic compounds (VOCs) for the purpose of reducing ambient ozone concentrations. It does <u>not</u> apply to flares (which do not use natural gas as an auxiliary fuel), VOCs vented to boilers, afterburners operated principally for odor control, or afterburners operated to control toxic or hazardous substances; and

(2) A policy to seasonally control afterburners can only be implemented through the SIP process. The attached staff report, supported by air quality data, should be adequate technical support for approving a SIP revision allowing for seasonal shutdown of afterburners in a given location.

It is recommended that you notify the State agencies in your Region that EPA supports a policy which permits sources to shut off afterburners during the months of November through March except for areas of southern California and the Gulf Coast. Should you have any questions in this regard, please contact Mr. Richard G. Rhoads, Director, Control Programs Development Division, Office of Air Quality Planning and Standards at FTS 629-5251.

Attachment

cc: Chief, Air Programs Branch, Regions I-X

PN-172-80-11-20-032

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D C 20460

OFFICE OF
AIR, NOISE, AND RADIATION

NOV 20 1980

SUBJECT: Compliance with VOC Emission Limitations for Can Coating Operations

FROM: David G. Hawkins, Assistant Administrator for Air, Noise, and Radiation (ANR-443)

MEMO TO: Regional Administrator, Regions I-X

The Agency has been requested by the Can Manufacturers Institute to consider the utilization of the compliance program described below for determining compliance with appropriate emission limitations in State Implementation Plans. The Agency has previously considered such an approach and in a memorandum dated November 21, 1978, from Richard G. Rhoads, Director, Control Programs Development Division to Director, Air and Hazardous Materials Division, Regions I-X entitled "RACT Options for Can Coating Operations," the Agency stated that a SIP submittal with such provisions would be approvable. This memorandum expands Mr. Rhoads' memorandum to cover options which can be utilized by States in determining compliance with can coating VOC emission limitations.

Mr. Rhoads' memorandum stated that a State's regulation which provides for a daily weighted average in conjunction with a plantwide emission limitation would be approvable as part of a SIP. This is because of the severe practical problems faced by can manufacturing plants where a number of lines apply as many as 50 different coatings, depending on the end uses of the cans. In this industry, line specific emission limitations may cause can coaters to be in violation when a high solvent coating is applied.

Regulatory language in State Implementation Plans defining the allowable emission limits for can coating operations differs in detail from State to State and among areas in individual States. The Agency believes that for the most part, the States and relevant local agencies may utilize a daily weighted average to determine whether a can manufacturing operation is in compliance with the State's emission limitations. EPA is issuing this interpretative statement to notify State and

local agencies that in EPA's view, in general, their regulations may be interpreted as allowing daily weighted averages for approving permits and compliance plans without further regulatory changes or the need for a SIP revision. EPA encourages such an interpretation.*

Compliance can be determined for any 24-hour period based on total actual emissions calculated from daily units of production records (e.g., number of each type of can, sheet, or end), application rates of each coating (e.g., gallons/units of production), solvent and solids content of each coating, and control efficiency. This would then be compared to the total allowable emissions for that production mix assuming each coating complied with applicable emission limitations. The attached suggested format allows use of a standardized equation to express the weight of VOC per gallon of coatings, less water, in terms of weight of VOC per gallon of solids to determine compliance. The pounds of solvent per gallon of coating should be based on a certified analysis of the VOC content of each coating given to the user by the supplier. This analysis should be verifiable by laboratory analysis. For purposes of emission limitation compliance, VOC content of coatings is the responsibility of the user. The percent capture and control efficiency must be established by using approved test methods on the worst case solvent or for all cases of use and held constant until such time as a new test is conducted to demonstrate a different efficiency.

It is essential that companies keep detailed records in a format that will allow simple and accurate verification and that the information be available as necessary for compliance certification and possible enforcement action. Further, standard test methods to verify the solvent content of each coating should be in accordance with those prescribed in the State's regulations.

States are urged to utilize enforcement techniques which encourage the development and use of low solvent coatings technology in the can manufacturing industry. In the long run, use of such technology is preferable to incineration from the point of view of reliability and maintenance of controls, as well as for purposes of energy conservation.

Attachment

cc: Director, Air and Hazardous Materials Division, Regions I-X
Director, Enforcement Division, Regions I-X
Jeff Miller, Office of Enforcement
Michele Beigel Corash, Office of General Counsel

---

*This compliance method may be applicable to multiplant situations where the plants are under common ownership or control and are located in the same geographic area. EPA will consider approval of such multiplant applications of this method.

SUGGESTED FORMAT FOR DETERMINING COMPLIANCE FOR CAN COATING OPERATIONS[1]

Actual Emissions

	lb VOC/ gal coating less water (a)	% Solids (b)	% Solvent (c)	% Water (d)	lb VOC/ gal solids (e)	Application rate (gal/units produced) (f)	Units produced (g)	Gal coating applied (f x g) (h)	Gal solids applied (b x h ÷ 100) (i)	Control[2] efficiency (j)	lb of VOC [e x ix(1-j)] (k)
1. Sheet coating	5.42	26.4	73.6	--	20.52	22	5	110	29.0	.81	113.1
2. Sheet coating	1.09	50.0	8.7	41.3	1.28	10	24	240	120.0	--	153.6
3. Sheet coating	5.06	31.2	68.8	--	16.23	10	24	240	74.9	.81	231.0
4. Side seam	6.34	13.9	86.1	--	45.59	1.5	18	27	3.8	--	173.2
5. Inside spray	3.91	16.0	18.1	65.9	8.33	8	24	192	30.7	--	255.7
6. End compound	4.20	42.9	57.1	--	9.80	1.5	24	36	15.4	--	150.9
										ACTUAL TOTAL EMISSIONS	1077.5

Allowable Emissions Using Complying Coating[3]

1. Sheet coating	2.8	4.52	29.0		131.1
2. Sheet coating	2.8	4.52	120.0		542.4
3. Sheet coating	2.8	4.52	74.9		338.5
4. Side seam	5.5	21.76	3.8		82.7
5. Inside spray	4.2	9.78	30.7		300.2
6. End compound	3.7	7.44	15.4		114.6
				ALLOWABLE TOTAL EMISSIONS	1509.5

NOTE: Data in columns a, b, c, d, f, g, and j (under actual emissions) obtained from plant records including thinning solvent.

D = Density of solvent for complying coating (average density is 7.36 lbs/gallon).

$e = \frac{(a) \times C}{(b)}$, C = 100% or $e = \frac{D \times (a)}{[D - (a)]}$

[1]Concept based on the following principal for comparing actual and allowable emissions: Pounds VOC emitted = pounds VOC per gallon of solids x gallons of solids applied per unit. (Same gallons of solids applied for actual and allowable.)

[2]Control efficiency varies with emission devices used. The percent capture and control efficiency must be established by using approved test methods on the worst case solvent or for all cases of use and held constant until such time as a new test is conducted to demonstrate a different efficiency.

[3]Complies with State VOC emission limitations.

PN 172-80-09-03-030

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

DATE: September 3, 1980

SUBJECT: Miscellaneous Metal Parts and Products CTG--
Emission Limits for Coating of Shipping Pails and Drums

FROM: Tom Helms, Chief (MD-15)
Control Programs Operations Branch, CPDD

TO: Air Branch Chief, Regions I - X

The sample regulation for the Group II CTG categories indicated that the coating of pails and drums was to be included in the Miscellaneous Metal Parts CTG. Representatives from the shipping container industry have since requested clarification as to what emission limits are applicable to their coatings.

We recommend that a presumptive norm of 4.3 pounds of VOC per gallon of coating less water is reasonably available control technology for coatings used in pail and drum interior protective linings even though the coatings may not be a true "clear coat." This determination was made on the basis of the unavailability of lower VOC coatings that can withstand the harsh, toxic, and corrosive nature of many chemicals that are shipped in these containers.

The exterior coatings for pails and drums must meet an emission limit of 3.5 pounds of VOC per gallon of coating less water. This is the limit described in the CTG for outdoor exposure coatings.

The following information is provided for the States to use in defining metal pails and drums:

Pails -- any nominal cylindrical metal shipping container of 1- to 12-gallon capacity and constructed of 29 gauge and heavier material.

Drums -- any cylindrical metal shipping container of 13- to 110-gallon capacity.

For additional information, please call Tom Williams at FTS 629-5226.

cc: VOC Contact, Regions I - X
Jim Berry, ESED

Form 1320-6 (Rev. 3-76)

PN 172-80-07-02-029

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

DATE: JUL 2 1980

SUBJECT: Exemption for Cold Cleaner Degreasers

FROM: Richard G. Rhoads, Director
Control Programs Development Division (MD-15)

TO: Director, Air and Hazardous Materials Division, Regions I-X

During the past several months, a number of States have submitted VOC regulations for solvent metal cleaners that include an exemption based on weight, i.e., 3 lbs/hr, 15 lbs/day, for cold cleaners (batch operated, nonboiling solvent degreasers typically found in automotive repair facilities). A major concern of the States was related to the manpower requirements associated with enforcing regulations for these sources.

Agency policy guidance in these instances has been to conditionally approve regulations containing weight type exemptions applicable to urban nonattainment areas that cannot demonstrate attainment by 1982 pending State deletion of the exemption or demonstration of compliance with the five percent significance test. (See memoranda from Richard G. Rhoads, Director, CPDD to Director, Air and Hazardous Materials Division, Regions I-X, dated September 7, 1978 and December 12, 1979.)

The purpose of this memorandum is to provide additional guidance by specifying instances where certain designs of cold cleaner degreasers could justifiably be determined to be in compliance with the CTG.

In the development of NSPS for solvent metal cleaning, it was determined as the result of investigation that cold cleaners with remote solvent reservoirs expose solvent only while parts are being cleaned. The solvent is pumped through a nozzle suspended over a sink-like work area which drains back into the reservoir. Because the reservoir is remote from the work area, this type of cold cleaner is not subject to the evaporation losses suffered by conventional cold cleaners.

Consequently, it was concluded that cold cleaners with remote solvent reservoirs can be exempted from the operating requirements to cover the degreaser during non-use periods. In addition, the units can be exempted from equipment specifications which require each cold cleaner to have a closable cover and, because the sink collects solvent drainage, a separate drain rack is unnecessary.

In view of the above, State regulations which specify an exemption for cold cleaners meeting the following criteria could be approved as being equivalent to RACT.

1. The cold cleaner must have a remote solvent reservoir.

2. The solvent used in the cold cleaner must not have a vapor pressure that exceeds 4.3 kPa (33mm Hg or 0.6 PSI) measured at 38° C (100° F) or be heated above 50° C (120° F).

3. The sink-like work area must have an open drain area less than 100 cm^2.

4. Evidence is provided that waste solvent will be stored or properly disposed of with minimal loss due to evaporation.

Should you have any questions regarding this memorandum, please contact Bill Polglase at (FTS 629-5251).

PN 172-80-06-16-027

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

DATE: JUN 16 1980

SUBJECT: Gasoline Tank Truck Regulations

FROM: Richard G. Rhoads, Director
Control Programs Development Division (MD-15)

TO: Jack Divita, Chief
Air Programs Branch, Region VI

This is to confirm previous telephone conversations with my staff concerning the necessity to develop regulations for gasoline tank trucks in areas demonstrating attainment by 1982. Prior EPA guidance has provided that:

> "Urban and rural nonattainment areas not needing an extension until 1987 may have a cutoff source size of 100 tons per year if they can demonstrate attainment by 1982."

As indicated above, the tank truck regulations are necessary where nonattainment area extensions until 1987 are required.

Nonattainment areas that demonstrate attainment by 1982 may have a cutoff source size of 100 tons per year. In line with this policy, regulations for Stage I service stations, bulk plants, and smaller degreasers were not required for the Group I CTG categories.

Tank trucks are less than 100 tons per year sources and, as such, under present policy would be exempt from a CTG recommended annual certification regulation. However, tank trucks are an integral part of bulk terminal operations (which are generally 100 tons per year sources). Essentially leakless tank trucks compatible with bulk terminal vapor control were required to comply with bulk terminal regulations previously adopted during the Group I CTG regulation development.

In summary, in areas attaining by 1982, separate regulations covering tank trucks are strongly encouraged. In any event, in order for the terminal regulation (mass emission standard of 80 mg/l) or an efficiency standard of (90 percent by weight) to be effective, the tank trucks loading gasoline at regulated terminals must be essentially leakless and equipped for vapor collection so that vapors generated in the tank trucks during loading operations

are vented to the bulk terminal vapor control system. The State regulations will have to include a test method that addresses the leak tight tank truck conditions. For additional information, please call Bill Polglase (629-5251) or Tom Williams (629-5226).

cc: Chief, Air Branch, Regions I-V, VII-X
Pete Hagerty, Region I
Paul Truchan, Region II
Neil Swanson, Region III
Doug Cook, Region IV
Dick Dalton, Region V
Donna Ascenzi, Region VI
David Doyle, Region VII
Bill Bernardo, Region VIII
Tom Rarick, Region IX
Ken Lepic, Region X

PN 172-78-06-14-026

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE DEPARTMENT OF TRANSPORTATION

AND

THE ENVIRONMENTAL PROTECTION AGENCY

REGARDING

THE INTEGRATION OF TRANSPORTATION AND AIR QUALITY PLANNING

I. Introduction

The Clean Air Act Amendments of 1977 were signed into law by the President on August 7, 1977. These Amendments require state and local governments to develop for all areas where national ambient air quality standards have not been attained, revisions to state implementation plans (SIPs). The revised SIPs must be submitted by the state to the Environmental Protection Agency (EPA) by January 1, 1979. These revised plans must provide for attainment of the national ambient air quality standards by 1982 or, in the case of areas with severe photochemical oxidant or carbon monoxide problems, not later than 1987. The revised plans must also provide for incremental reductions in emissions ("reasonable further progress") between the time the plans are submitted and the attainment deadline.

In many major urbanized areas of the country the revised SIPs will require transportation controls, i.e. strategies designed to reduce emissions from transportation-related sources by means of structural and operational changes in the transportation system. A mechanism is required that will enable state and local governments to: (1) develop a wide range of alternative transportation control strategies, (2) analyze the air quality and other impacts of the strategies, and (3) select among the alternatives in a timely and informed manner.

Federal transportation planning requirements in urbanized areas are implemented by the Department of Transportation (DOT) through a joint delegation of authority to the Federal Highway Administration (FHWA) and the Urban Mass Transportation Administration (UMTA). The FHWA and UMTA provide funds to states and local governments to plan, develop, and improve transportation systems and services. In urbanized areas improvements are implemented according to a continuing, comprehensive, and cooperative transportation planning process carried out pursuant to FHWA/UMTA joint regulations. It

is in this context that "DOT" is utilized in this document. In order to effectively achieve the objectives of the 1977 Clean Air Act Amendments, the DOT and Environmental Protection Agency (EPA) agree that the transportation-related air quality planning requirements of EPA will be integrated with the transportation planning process administered by the DOT. Closer integration of the planning requirements of DOT and EPA will ensure the timely consideration of air quality concerns and will reduce potentially duplicative, overlapping, and inconsistent activities at the state and local level. DOT administers other planning programs through other administrations (e.g. FAA and FRA) which have lesser impact on air quality but may be subject to future discussion.

II. Purpose

This Memorandum of Understanding, developed pursuant to the President's request, is designed (1) to establish certain principles which DOT and EPA agree to follow in the preparation of more detailed regulations and administrative procedures required to achieve the objective of integrating the air quality and transportation planning processes; (2) to identify specific areas of agreement with regard to the joint administration of the air quality aspects of the planning process.

III. Principles that Will Guide the Integration of the Air Quality and Transportation Planning Processes

A. The reduction of air pollution is an important national goal and must be among the highest priorities of the transportation planning process in areas not meeting primary Air Quality Standards. However, the transportation planning process must also consider other national and local objectives such as mobility, safety, energy conservation, urban economic development, full employment and orderly metropolitan growth.

B. It is the affirmative responsibility of federal, state and local agencies involved in funding or conducting transportation planning and implementation to ensure that evaluation of an adequate range of alternative transportation control strategies is conducted in order to furnish local, state and federal officials with an adequate basis on which to reach informed decisions.

C. Any transportation planning activites conducted pursuant to this agreement must continue to provide for an adequate process of consultations with and involvement of the general purpose local government, responsible state agencies and the public as called for in the joint UMTA/FHWA Urban Transportation Planning regulations.

D. It is the objective of the activities undertaken pursuant to this agreement to contribute to the maximum extent feasible, in combination, with other emission reduction measures, to a reduction of emissions necessary to meet the prescribed air quality standards.

IV. Joint Administration of the Air Quality Aspects of the Urban Transportation Planning Process

The Department of Transportation and Environmental Protection Agency agree to modify existing procedures concerning the administration of the urban transportation and air quality planning processes in nonattainment areas as follows:

1. DOT and EPA regional/division offices will have the opportunity for joint review of and concurrence in the Unified Work Program (UWP) required pursuant to paragraph 450.114 of the Joint Planning Regulations (23 CFR 450), to ensure that adequate air quality planning tasks are included in the planning programs. Any disagreements at the regional level shall be referred to the DOT Secretary for resolution. Before making his final decision on the UWP, the Secretary will consult with the EPA Administrator and will notify EPA of the disposition of its comments, with appropriate supporting materials. In addition, where an MPO has failed, without adequate reason to carry out the analysis or other activities committed in its Unified Work Program, DOT will prescribe conditions which will require specified remedial actions to be taken in order to correct the identified failure in the Unified Work Program. DOT and EPA will develop in the near future a document identifying appropriate categories of remedial actions.

2. DOT and EPA regional/division offices will have the opportunity for joint review of transportation plans (including TSM elements) in nonattainment areas required pursuant to paragraph 450.116 of the Joint Plannning Regulations, to ensure that air quality considerations are adequately addressed. DOT and EPA will consult with the planning agency on how air quality related planning deficiencies will be corrected. DOT will also explicitly consider EPA comments in taking subsequent actions on program approvals and will notify EPA of the disposition of its comments, with appropriate supporting materials.

3. DOT and EPA regional/division offices will have the opportunity for joint review in connection with the annual planning certification required pursuant to paragraph 450.122 of the Joint Planning Regulations, on the adequacy of the planning process to address air quality considerations. DOT and EPA will consult with the planning agency on how air quality related planning deficiencies will be corrected. DOT will also explicitly consider EPA comments in making any certification decisions and will notify EPA of the disposition of its comments, with appropriate supporting material.

4. DOT and EPA regional/division offices will have the opportunity for joint review of the Transportation Improvement Program (TIP) and its annual element required pursuant to paragraph 450.118 of the Joint Planning Regulations for consistency with the air quality elements of the transportation plan and/or the SIP. DOT will explicitly consider EPA's comments in program approvals, and will notify EPA of its disposition of the comments. If EPA disagrees with the disposition of its comments, the procedures for resolution set forth in Addendum 1 to this memorandum will be followed.

5. DOT and EPA regional/division offices will have the opportunity for joint review of the revised SIPs, for compliance with the objectives of statutes administered by DOT (e.g., Title 23 USC and the Urban Mass Transportation Act) to provide for mobility and for safe and efficient transportation. EPA will explicitly consider DOT comments in approving or disapproving SIP revisions, and will notify DOT of its disposition of the comments, with appropriate supporting materials. If DOT disagrees with the disposition of its comments, the procedures for resolution set forth in Addendum 2 to this memorandum will be followed.

6. DOT and EPA agree to work toward greater coordination in the administration of their respective grants for local planning activities by including these grants in the UWP, to ensure that such grants support effectively the related objectives of both agencies while avoiding duplication and overlapping planning activities.

DOT and EPA will take appropriate steps to alter their existing internal procedures and to issue a joint appendix to the existing transportation planning regulations to implement the above understandings.

DOT and EPA agree to consult one another in the development of criteria and procedures required by Section 176 of the Clean Air Act, including insuring that all major capital improvement projects are consistent with the SIP.

Signed in Washington, D.C. this 14th day of June, 1978.

Department of Transportation

By: _____

Environmental Protection Agency

By: _____

ADDENDUM 1

If the EPA Regional Administrator disagrees with the disposition of his comments by DOT, he will so notify the DOT Regional/Division Administrator within seven days. In such a case, the DOT Regional/ Division Administrator will not approve the element or elements of the TIP in disagreement until so advised by headquarters.

Within 30 days after the EPA Regional Administrator notifies DOT of his disagreement, the EPA Administrator will notify the Secretary of Transportation if the EPA Administrator disagrees with the DOT field staff disposition of EPA comments, and the reason for the EPA Administrator's disagreement.

If such notification is received within 30 days, the Secretary of Transportation will carefully consider the EPA Administrator's views and in the event of disagreement will notify the EPA Administrator of the disposition of his comments; with appropriate supporting materials before making his decision.

ADDENDUM 2

If the DOT Regional/Division Administrator disagrees with the disposition of his comments by EPA, he will so notify the EPA Regional Administrator within seven days. In such a case, the EPA Regional Administrator will not approve the SIP until so advised by headquarters.

Within 30 days after the DOT Regional/Division Administrator notifies EPA of his disagreement, the Secretary of Transportation will notify the EPA Administrator if the Secretary of Transportation disagrees with the EPA field staff disposition of DOT comments, and the reason for the Secretary's disagreement.

If such notification is received within 30 days, the EPA Administrator will carefully consider the Secretary of Transportation's views and in the event of disagreement will notify the Secretary of the disposition of his comments, with appropriate supporting materials before making his decision.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

DATE: DEC 12 1979

PN-172-79-12-12-023

SUBJECT: Exemptions for Degreasers

FROM: Richard G. Rhoads, Director
Control Programs Development Division (MD-15)

TO: Director, Air and Hazardous Materials Division, Regions I-X

It has come to my attention that some States are including a weight rate exemption in degreasing VOC regulations applicable to urban nonattainment areas (>200,000 population) that cannot demonstrate attainment by 1982. For example, some States have included a 15 lbs/day and/or 3 lbs/hour weight exemption that effectively exempts from control cold cleaners (batch operated, nonboiling solvent degreasers typically found in automotive repair facilities).

A telephone survey of Regional Offices has indicated that, in some instances, where weight exemptions for degreasers have been included in draft regulations, the States have revised the regulation to delete the exemption. States, such as Colorado, Delaware, and Wisconsin are included in this category. In other States, the weight exemption for degreasers has been cited as a deficiency in the State Implementation Plan (SIP) by the Regional Offices. Conditional approval of the SIP has been given to the States pending exclusion of the weight exemption from the degreasing regulation. States, such as Connecticut, Virginia, and Tennessee are in this category. In the majority of cases, States have not included a weight exemption in degreasing regulations.

The degreaser regulation policy guidance cited in my memorandum of September 7, 1978, to the Air and Hazardous Materials Division Directors, states that for urban nonattainment areas across the board exemptions for small sources (e.g., 3 lbs/day) should not be approved. However, conditional approval may be appropriate where the State agrees to remove the exemption. This policy guidance is reaffirmed.

Please contact Bill Polglase at (FTS 629-5251) should you have any questions on this memorandum.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: OCT 4 1979

SUBJECT: Clarification for Final SIP Actions on Asphalt Regulations PN-172-79-10-04-021

FROM: Richard G. Rhoads, Director
Control Programs Development Division, OAQPS (MD 15)

TO: Director, Air and Hazardous Materials Division, Regions I-X

On December 19, 1978, and March 6, 1979, guidance memoranda were sent to the Regional Offices concerning criteria for determining acceptable Volatile Organic Compound (VOC) RACT regulations for cutback asphalt. The example regulation in the first memorandum prohibited use of cutback asphalt or emulsified asphalt containing solvent but provided certain exceptions. The exceptions are: cold weather use; prime coat; stockpiling; and demonstration of no VOC emissions from cutback. Both memoranda pointed out that there might also be other unique problems for which additional exemptions could be appropriate with adequate justification such as applications of emulsified asphalt requiring the addition of solvents or oils to improve the properties of the emulsion. I requested that you advise our office of additional exemptions which the States requested.

Now that most VOC SIP regulations have been submitted to EPA, several remaining issues with cutback asphalt need clarification. The following guidance is intended for your use as you finalize SIP approval/disapproval actions and conditional approvals.

The approach recommended in the two previous memoranda was to define an asphalt emulsion as a suspension of asphalt in water by means of an emulsifying agent with no allowance for the addition of solvents to the emulsion. The additional exemptions to the regulation were to be the mechanism for allowing use of those emulsions containing solvent* where necessary. While most of the SIP submittals applying RACT to asphalt operations have not addressed the acceptability of solvent in emulsions, several States which have allowed solvent have not used the mechanism we provided, but instead have allowed a maximum solvent content in emulsions, sometimes up to 12 to 15 percent. Information we have received on the subject of solvent content in emulsified asphalt does not support the allowance of a blanket solvent content for emulsified asphalt. Accordingly, these blanket-type regulations should not be unconditionally approved. If a State chooses to allow the use of solvents in certain emulsions, the regulations should only permit the inclusion of solvent in emulsified asphalt by stipulating maximum solvent contents

*The solvent content is determined by ASTM distillation test D-244.

allowed for specific uses or for specific grades of emulsified asphalt. The following maximum solvent contents for specific emulsified asphalt applications are based on ASTM, AASHTO, and State specifications and on information recently received from the Asphalt Institute.

Use	Max. Solvent Content
Seal coats in early spring or late fall	3%
Chip seals when dusty or dirty aggregate is used	3%
Mixing w/open graded aggregate that is not well washed	8%
Mixing w/dense graded aggregate	12%

I wish to emphasize that these are maximum solvent contents and if States are using emulsified asphalt with less solvent for these applications, they should continue to do so. These are only the maximum solvent contents that we feel current technology supports. Many emulsified asphalt manufacturers are successfully using less solvent and achieving the same acceptable results. The chemistry of emulsified asphalt and the non-uniformity of the technology across the country prevents us from specifying anything more than upper limits on solvent content. Lower limits are certainly achievable in many States but must be determined on a case-by-case basis.

Finally, in our contact with the emulsified asphalt industry we find that many people are extremely apprehensive about defining an emulsified asphalt as having no solvent. Should the exceptions which allow emulsions containing solvent ever be removed from the regulation, the industry might be unable to produce acceptable products for a number of applications. An acceptable regulatory approach, therefore, will be to allow defining emulsified asphalt as optionally containing solvent or oils. The allowed solvent would be limited to the amounts specified above (or lower if this can be negotiated) based on application. The definition should be worded in such a way to clearly indicate that these are the maximum solvent contents allowed and that they are allowed only for the specific applications or grades of emulsified asphalt. All other asphalt emulsions should not contain solvent. If States reject this approach, as an alternative, we will accept blanket-type regulations which allow maximum solvent contents in the range of 5 to 7 percent.

For those States who have submitted regulations with an unacceptable blanket solvent content allowance, a conditional approval should be granted with time allowed to modify the regulations to follow the solvent content guidance provided above or to lower the blanket solvent allowance to 5 to 7 percent.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

PN-172-79-08-22-020

AUG 22 1979

OFFICE OF
AIR, NOISE, AND RADIATION

SUBJECT: State Implementation Plans/Revised Schedules for Submitting Reasonably Available Control Technology Regulations for Stationary Sources of Volatile Organic Compound (VOC)

FROM: for David G. Hawkins, Assistant Administrator for Air, Noise, and Radiation

MEMO TO: Regional Administrator, Regions I-X

The Administrator's memorandum of February 24, 1978, published in the Federal Register at 43 FR 21673 (May 19, 1978), stated that the 1979 plan submission for ozone nonattainment areas, ". . . must include, as a minimum, legally enforceable regulations to reflect the application of reasonably available control technology (RACT) to those sources for which EPA has published a Control Technique Guideline (CTG) by January 1978, and provide for the adoption and submittal of additional legally enforceable RACT regulations on an annual basis beginning in January 1980 for those CTGs that have been published by January of the preceding year."

It is now apparent that the regulatory adoption process may be more lengthy than first anticipated. Additional time may be necessary to accommodate public, administrative, and legislative review. In order to realistically address this problem, yet to continue meeting our responsibilities to attain the ambient standards as expeditiously as practicable, EPA is revising by six months the deadlines for submittal of the RACT regulations for the second set of CTGs. The SIPs should now provide for the adoption and submittal of additional legally enforceable regulations by July 1, 1980 for the following source categories:

Factory Surface Coating of Flatwood Paneling
Petroleum Refinery Fugitive Emissions (Leaks)
Pharmaceutical Manufacture
Rubber Tire Manufacture
Surface Coating of Miscellaneous Metal Parts and Products
Graphic Arts (Printing)
Dry Cleaning, Perchloroethylene
Gasoline Tank Trucks, Leak Prevention
Petroleum Liquid Storage, Floating Roof Tanks

In the immediate future, I will publish a Federal Register notice announcing this policy change. I ask that you notify your States in order to allow them to schedule their associated regulatory activities in the most efficient manner possible.

cc: Marvin Durning
Joan Bernstein
Director, Air & Hazardous Materials Division, Regions I-X

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 1305-8]

State Implementation Plans; General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas—Supplement (on Revised Schedules for Submission of Volatile Organic Compound Ract Regulations)

AGENCY: Environmental Protection Agency.

ACTION: General Preamble for proposed rulemaking—Supplement.

SUMMARY: Provisions of the Clean Air Act enacted in 1977 requires States to revise their State Implementation Plans for all areas that have not attained National Ambient Air Quality Standards. States are to have submitted the necessary plan revisions to EPA by January 1, 1979. The Agency is now publishing proposals inviting public comment on whether each of the submittals should be approved. In the April 4, 1979 issue of the Federal Register, EPA published a General Preamble identifying and summarizing the major considerations that will guide EPA's evaluation of the submittals (44 FR 20372). Today's Supplement provides information on the revised schedule for adoption of regulations for source categories emitting volatile organic compounds (VOC) covered by the second set of Control Technique Guidelines (CTGs).

FOR FURTHER INFORMATION CONTACT: The appropriate EPA Regional Office listed on the first page of the General Preamble (44 FR 20372) or the following Headquarters office: G. T. Helms, Chief, Control Programs Operations Branch, Control Programs Development Division, EPA Office of Air Quality Planning and Standards (MD-15), Research Triangle Park, North Carolina 27711, (919) 541-5365 or 541-5226.

SUPPLEMENTARY INFORMATION: The background is set out at length in the April 4 General Preamble. This Supplement address an issue that needs explanation.

The Administrator's memorandum of February 24, 1978, published in the Federal Register at 43 FR 21673 (May 19, 1978), stated that the 1979 plan submission for ozone nonattainment areas," . . . must includes, as a minimum, legally enforceable regulations to reflect the application of reasonably available control technology (RACT) to those sources for which EPA has published a Control Technique Guideline (CTG) by January 1978, and provide for the adoption and submittal of additional legally enforceable RACT regulations on an annual basis beginning in January 1980 for those CTGs that have been published by January of the preceding year."

PN-172-79-08-21-019

It is now apparent that the regulatory adoption process may be more lengthy than first anticipated. Additional time may be necessary to accommodate public, administrative, and legislative review. In order to realistically address this problem, yet to continue meeting our responsibilities to attain the ambient standards as expeditiously as practicable, EPA is revising by six months the deadlines for submittal of the RACT regulations for the second set of CTGs. The SIPs should now provide for the adoption and submittal of additional legally enforceable regulations by July 1, 1980 for the following source categories:

Factory Surface Coating of Flatwood Paneling
Petroleum Refinery Fugitive Emission (Leaks)
Pharmaceutical Manufacture
Rubber Tire Manufacture
Surface Coating of Miscellaneous Metal Parts and Products
Graphic Arts (Printing)
Dry Cleaning, Perchloroethylene
Gasoline Tank Trucks, Leak Prevention
Petroleum Liquid Storage, Floating Roof Tanks

If this revision to the adoption schedule of RACT regulations requires alteration of any comments on a plan for which the comment period has already ended, the commenter should contact the appropriate EPA Regional Office immediately so that the issue can be appropriately dealt with.

Note.—Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and, therefore, subject to the procedural requirements of the order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044. (Secs. 110(a), 172, Clean Air Act, as amended (42 U.S.C. 7410(a), 7502)).

Dated: August 21, 1979.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 79-26750 Filed 8-27-79; 8:45 am]

BILLING CODE 6560-01-M

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

DATE: JUN 20 1979

SUBJECT: Modifications to Recommendations for Solvent Metal Cleaning

PN-172-79-06-20-018

FROM: Richard G. Rhoads, Director
Control Programs Development Division (MD-15)

TO: Director, Air and Hazardous Materials Division, Regions I-X

In the Control Technique Guideline for Solvent Metal Cleaning, the operating requirements for open top vapor degreasers include the following specification for changes in the vapor level:

"The vapor level should not drop more than 10 cm (4 in) when the workload enters the vapor zone."

Recently the effectiveness and practicality of this specification has been questioned. The Emission Standards and Engineering Division of OAQPS has reviewed this issue and has concluded that this specification may not necessarily reduce emissions and will cause compliance problems for a significant number of sources. A summary of the analysis is attached.

Accordingly, State plans which do not include this provision for open top vapor degreasers should be recommended for approval. States with final adopted regulations that include this restriction should be advised of potential implementation problems with the provision. Where practical, States should be encouraged to amend their plans to delete this provision. In the interim, Regional Offices should take no steps to implement this provision.

Attachment

cc: Mr. Ed Reich, DSSE
Mr. Don Goodwin, ESED

FORM 1320-6 (REV. 3-76)

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1238-6]

Air Quality; Clarification of Agency Policy Concerning Ozone SIP Revisions and Solvent Reactivities

ACTION: This notice is published under the authority of section 101(b) and section 103 of the Clean Air Act. The notice clarifies EPA's "Recommended Policy on Control of Volatile Organic Compounds," 42 FR 35314 (July 8, 1977).

STATEMENT: The July 1977 Policy Statement noted that only reactive volatile organic compounds participate in the chemical reactions that form photochemical oxidants. Currently available information suggests that negligibly photochemically reactive volatile organic compounds as defined in that Statement, including methyl chloroform and methylene chloride, do not appreciably affect ambient ozone levels. Hence, EPA will not disapprove any state implementation plan or plan revision for its failure to contain regulations restricting emissions of these compounds.

Although these substances need not be controlled under state implementation plans for the purpose of achieving ambient ozone standards, nothing in this memorandum is intended to modify past EPA expressions of concern about the uncontrolled use of methyl chloroform and methylene chloride. As noted in the above referenced policy and the clarification presented in memoranda of August 24, 1978 and March 6, 1979, there is suggestive evidence that both compounds are potentially carcinogenic and methyl chloroform is suspected of contributing to depletion of stratospheric ozone. See, for example, the following studies:

Simmon, V. F., Kauhanen, K. and Tardiff, R. G., "Mutagenic Activity of Chemicals Identified in Drinking Water" in *Progress in Genetic Toxicology*, ed. I. D. Scott, B. A. Bridges, and F. H. Sobels, at 249–258 (Elsevier, 1977);

Price, P. G., Hassett, C. M. and Mansfield, O. L., "Transforming Activities of Trichloroethylene and Proposed Industrial Alternatives" *In Vitro* 14:3, at 290–293 (1978);

Theiss, J. C., Stoner, G. D., Shimkin, M. B., *et al.*, "Test for Carcinogenicity of Organic Contaminants of United States Drinking Waters by Pulmonary Tumor Response In Strain A Mice," *Cancer Research*, 37(8 Pt. 1): 2717–20, (August 1977);

The EPA Carcinogen Assessment Group's Preliminary Risk Assessment on Methyl Chloroform, Type I—Air Program, (January 17, 1979);

The EPA Carcinogen Assessment Group's Preliminary Risk Assessment on Methylene Chloride, Type I—Air Program, (January 17, 1979);

Conference on Methyl Chloroform and other Halocarbon Pollutants, sponsored by Environmental Sciences Research Laboratory, U.S. EPA, February 27–28, 1979, Washington, D.C. (proceedings in press).

Because both methyl chloroform and methylene chloride are potentially harmful, EPA recommends that these chemicals not be substituted for other solvents in efforts to reduce ozone concentrations. EPA further recommends that the states control these compounds under the authority reserved to them in section 116 of the Clean Air Act. Moreover, there is a strong possibility for future regulation of these compounds under the Clean Air Act.

FOR FURTHER INFORMATION CONTACT: Joseph Padgett, Director, Strategies and Air Standards Division, Office of Air Quality Planning and Standards, MD–12 Research Triangle Park, North Carolina 27711 (919) 541–5204.

Dated: May 25, 1979.

David G. Hawkins,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 79-17284 Filed 6-1-79; 8:45 am]

BILLING CODE 6560-01-M

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

PN-172-79-05-25-016

25 MAY 1979

OFFICE OF ENFORCEMENT

MEMORANDUM

Subject: Submission of State Air Permits as SIP Revisions

From: Richard G. Rhoads, Director
Control Programs Development Division

Edward E. Reich, Director
Division of Stationary Source Enforcement

To: Director, Air and Hazardous Materials Division
Regions I-X

A question has been raised concerning the need for States to submit construction and operating air permits as revisions to State implementation plans (SIP). Of particular concern is the Federal enforceability of State-issued air permits that have not been incorporated individually within a SIP by means of an EPA approval through rulemaking.

Federal enforcement of construction permits issued under procedures complying with the requirements of 40 CFR 51.18 (new source review) is provided in 40 CFR 52.02(d) which reads, in part, as follows:

> ...all permit conditions or permit denials issued pursuant to approved or promulgated regulations for the review of new or modified stationary or indirect sources, are enforceable by the Administrator...in accordance with...assigned responsibilities under the plan.

Thus, State construction permits which have been issued in accordance with SIP procedures approved by EPA as satisfying 40 CFR 51.18, and which satisfy the interpretative ruling of the requirements of 40 CFR 51.18 (the emission offset policy), 44 Fed. Reg. 3274 et seq. (January 16, 1979), are enforceable by EPA. (However, if emission reductions to meet Condition 3 of the emission offset policy

J. Sableski
Environmental Protection Agency
OAQPS, CPDD (MD 15)
Research Triangle Park, NC 27711

are obtained from existing sources other than those controlled by the owner of the proposed new source, Section V.B. of the policy provides that these "external" offsets must be effectuated through a SIP revision.) The provisions of 40 CFR 52.02(d) also provide for EPA enforcement of prevention of significant deterioration construction permits which have been issued by States under procedures complying with 40 CFR 52.21.

The conditions upon construction contained in these permits which are needed to meet federal requirements (e.g., the source must achieve the lowest achievable emission rate, or operate best available control technology) have continuing application to a source built under the permit. Any State limitations upon the effective duration of a State construction permit is deemed to effect only the authorization to construct under the permit. Once a source is actually built, it must continue to meet the conditions imposed upon its construction unless they are modified by a federally approved SIP revision.

Operating permits present some special problems. Since State procedures for the issuance of operating permits to new sources are not required under 40 CFR 51.18 or 40 CFR 52.24, State new source operating permits are not federally enforceable under 40 CFR 52.02(d). Of course, to the extent the behavior required in new source operating permits is consistent with the behavior required in the SIP (including any previously issued construction permit enforceable by reason of 40 CFR 52.02(d)), EPA can enforce the behavioral requirement on the basis of noncompliance with the SIP. In addition, EPA can enforce, on the basis of noncompliance with the SIP, behavioral requirements contained in operating permits for existing sources to the extent that the permit requirements are the same as the SIP requirements. However, if the provisions of an operating permit differ from the SIP, the permit must, at the present time, be approved as a SIP revision before it is enforceable (or recognized) by EPA. If an operating permit condition more stringent than the SIP is necessary to assure attainment or maintenance of a national ambient air quality standard, failure to revise the SIP accordingly results in the SIP being inadequate. Therefore, we are advising each Regional Office to notify the States of this potential need to revise their SIPs. States which do, in fact, need to revise their SIPs to incorporate individual operating permits which are necessary to assure attainment and maintenance of a national ambient air quality standard should do so as soon as possible.

Some State-issued operating permits may not indefinitely require individual EPA approval through rulemaking in order to be considered part of the SIP. Section 110(a)(2)(d) of the Clean Air Act requires SIPs to include "a program to provide for the enforcement of emission limitations and regulation of the modification, construction, and operation of any stationary source, including a permit program as required in parts C and D and a permit or equivalent program for any major emitting facility..." In addition, Section 172(b)(6) of the Act provides that SIPs must "require permits for the construction and operation of new or modified major stationary sources..." Although no regulations implementing these sections yet exist, a working group is developing a regulatory proposal requiring SIPs to contain an operating permit program (or its equivalent) and establishing the standards for EPA approval of such a program. The issue of the federal enforceability of State-issued operating permits will be addressed by these regulations. In the interim, States are encouraged to submit permits as SIP revisions as appropriate.

cc: Director, Enforcement Division
Regions I-X

Michael James, OGC

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: MAR 6 1979

PN-172-79-03-06-014

SUBJECT: Cutback Asphalt VOC Regulations

FROM: Richard G. Rhoads, Director
Control Programs Development Division, OAQPS (MD 15)

TO: Director, Air & Hazardous Materials Division, Regions I-X

On December 19, 1978 a memorandum containing an example regulation for controlling cutback asphalt was sent to eac of you. That memorandum was prompted by misunderstandings of the complicated issue of cutback asphalt; specifically, what exemptions are allowed and what is an appropriate transition period from cutback to emulsified asphalt. The memorandum contained information based on contacts with emulsified asphalt manufacturers and users and with representatives of the Asphalt Institute.

Attached is a summary of the draft regulations which were submitted to CPDD prior to the December 19 memorandum. Even though the summarized regulations were only drafts and have likely been revised, I feel it worthwhile to point out the significant problems found during the review of the regulations. An explanation of these problems is also attached.

The December 19 memorandum indicated that liquid emulsified asphalt can be stored only up to four weeks in heated or insulated containers. Information received since the memorandum was sent indicates that this is an error; liquid emulsified asphalt apparently can be stored for much longer periods of time. This error, however, is only minor since it is still true that an emulsified asphalt patch mix (mixture of aggregate and liquid asphalt) cannot be stockpiled. Manufacturers, however, are working on this problem and are trying to develop such an emulsion. If solvent is added to the emulsion, long life stockpiling can be achieved, but our definition of emulsified asphalt does not include emulsions containing solvents.

The December 19 memorandum also indicated that more detailed information for calculating emission rates from cutback asphalt will be sent to the Regional Offices. At the present time an EPA contracted study of emission rates from cutback asphalt is being reviewed by the Asphalt Institute. The results of that review will be considered when the review is completed in late March or early April. At that time a decision will be made on the need for further study of cutback asphalt emission rates. For the present, however, in developing control strategies for ozone and preparing emission inventories for the 1979 SIP revisions, States should use the evaporation rates contained in the control techniques guideline. These rates are 80% for rapid cure, 70% for medium cure, and 25% for slow cure

(except as discussed below). These rates should be used in conjunction with solvent content values for the various cutbacks used in the State. Solvent content values can be obtained from the cutback manufacturers. If new emission rates are established at a later date, they will be available for the next round of SIP revisions.

The fourth exemption in the example regulation sent December 19 allowed the use of any cutback for which the user can demonstrate that no emissions will occur under conditions of normal use. Until further studies are done on cutback emission factors, that demonstration should be done as follows:

1. Obtain distillation data for the cutback from the manufacturer or run a distillation test. (ASTM Method D-402, Distillation of Cutback Asphalt Products.)

2. If less than 5% of the total solvent has evaporated up to and including 500°F, the cutback will be considered one that has no VOC emissions under field conditions.

We realize that distillation tests cannot be directly related to field conditions, however, we feel that any emissions from a cutback passing the above test will be very minor. Also, for purposes of calculating emissions for control strategies or emissions offsets, cutbacks passing the test should be considered as having no VOC emissions.

The December 19 memorandum indicated that there might be other unique problems for which exemptions could be appropriate under a case-by-case RACT determination. I would like to stress that if a State requests an exemption to use cutback or an emulsified asphalt containing solvent for any application other than those accepted in the example regulation, it is up to the State to demonstrate that an emulsified asphalt (containing no solvent) cannot be used. The demonstration must contain evidence that the State has contacted emulsified asphalt manufacturers and emulsifying chemical manufacturers, and that the manufacturers cannot develop an acceptable emulsion or cannot recommend an acceptable alternative paving or repair procedure. As stated in the December 19 memorandum, please advise me of any additional requests for exemptions.

Attachments

SUMMARY OF DRAFT VOC REGS. FOR CUTBACK ASPHALT

STATE	COMPLIANCE DATE	EXEMPTIONS					SIZE CUTOFF	STATEWIDE	COMMENTS
		PRIME	SEASONAL	TEMP.	STORAGE	OTHER			
I Mass.	7/1/80	X	1					X	1. 10/30-5/1 for patching.
NH							PE ≥ 100 TPY	X	Total prohibition for paving of roads, highways, or driveways. N.H. has no urbanized areas.
II N.Y.		X	1		X	2		X	1. 10/16-5/1 2. Emulsified asphalt containin less than 15% by weight VOC.
III VA	1	X		X	X		>7 TPY	2	1. 60 days after board adoption or 9 months after promulatio of new O_3 standard. 2. At a minimum, the non-attainment areas may be adopted Statewide.
WVA		X	X		X			?	All cutback asphalt users and manufacturers must register wit the Commission within 30 days from the effective date of the regulation. After the effectiv date of the regulation, permits are required for anyone commenc operations subject to this regulation.
MD	1/1/79	X		X	X			1	1. Applies to the Baltimore Metropolitan Area. There are two other nonurban non-attainment areas in MD.
DEL	12/31/80			1			>10 lbs/day or 3 lbs/hr	X	1. Only for emergency repair of potholes and/or filling crac in highway pavement. As technology becomes available all uses of cutback asphalt will be discontinued.
PA	not given	X		X	X	1		X	1. Dust palliative tack coat, pr coating of aggregate and pro-tective coating for concrete.

STATE	COMPLIANCE DATE	EXEMPTIONS					SIZE CUTOFF	STATEWIDE	COMMENTS
		PRIME	SEASONAL	TEMP.	STORAGE	OTHER			
IV KY (Louis-ville)	eff. date of reg.		2			1		3	1. Exempts asphalt with less than or equal to 10% by weight VOC. 2. Jan.-Apr. for repair of potholes or other damage to roadways. 3. Louisville, Kentucky.
N.C.	10/1/80	X		X	X		> 15 lbs/day or 3 lbs/hr >100 TPY for att. areas	X	
S.C.	5/1/81						1	X	1. In urban areas, stationary sources with potential emissions greater than 10 TP non-urban areas greater than 100 TPY.
TN	2/1/81					1		?	1. Total prohibition in urban counties. Use allowed in a rural co. with the approval of the director.
V IL	12/31/80	X	1		X			X	1. 10/1-4/30.
IND	1/82	X		X	X		?	?	
OH		X		X	X	1	> 15 lbs/day or 3 lbs/hr	X	1. Other than road paving, i.e. roofing or water proofing.
MICH	not given	X	1	X	X			X	1. 10/1-4/30
WISC	7/1/79	X	1	X	2				1. non-ozone season 11/1-4/30 2. must be stored for 2 years or longer.

STATE	COMPLIANCE DATE	EXEMPTIONS					SIZE CUTOFF	STATEWIDE	COMMENTS
		PRIME	SEASONAL	TEMP.	STORAGE	OTHER			
VI ARK	7/21/79	X		X	X				
OK	24 mo. after eff. date of reg.					1		X	1. Consent of the Commissioner
TX	12/31/80							1	1. 7 nonattainment areas. Use of cutback asphalt for paving is restricted to no more than 7% of the total annual volume of asphalt use or specified for use by any State, municipal, or county agency. All nonattainment areas are not covered.
VIII CO	not given			1	X	2		X	1. Also allows exemptions when precipitation is anticipated within 3 hrs. from time of application. 2. Other conditions as approved by the Division. Div. may require invoices or other records to verify use of cutback and emulsified asphalt.
X WASH (Puget Sound)	6/1/80	1	2		3	4			1. Use of MC only. 2. Oct.-May. 3. Use of MC only. 4. SC Reg. applies to Puget Sound nonattainment area.
WASH STATE	6/1/80	1	3	1, 4	1			2	1. Allowed provided diluent has a total vapor pressure of les than 26 mm Hg at 20°C. 2. Nonattainment areas. 3. Oct.-May. 4. Forecast for 24 hr. period following application is less than 50°F. Report required on use of cutbac asphalt during June-Sept.
ORE	4/1/79	1	?		1			2	1. MC only. 2. Nonattainment areas.

DISCREPANCIES BETWEEN PROPOSED ASPHALT REGULATIONS
AND EXAMPLE REGULATION OF DECEMBER 19, 1978

1. Twelve regulations contain an exemption allowing the use of cutback asphalt when the temperature is below 50°F. It is preferable for enforcement purposes to establish a season during which cutback asphalt may be used. The season would represent that portion of the year during which temperatures do not linger above 50°F for periods of time adequate for emulsified asphalt application and setting.

2. Several States specify a 100 TPY cutoff size. No criteria is provided for defining a 100 TPY source with respect to cutback asphalt. Our guidance defines cutback asphalt as an area source and any "100 Ton" calculations should consider all State, local, and private uses of asphalt in the area for which the control strategy demonstration is developed.

3. None of the 24 draft regulations prohibit the use of emulsified asphalt containing solvent. Our definition of emulsified asphalt includes only solvent-free emulsions.

4. Eight States exempt cutback asphalt from regulation for situations other than the three prescribed in our guidance. These exemptions in the draft regulations are unacceptable although there will be case-by-case situations where other exemptions could be allowed.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D C. 20460

PN-172-79-01-16-012

JAN 16 1979

OFFICE OF
AIR AND WASTE MANAGEMENT

SUBJECT: Continuity of SIP Regulations--Revised Enclosure

FROM: David G. Hawkins, Assistant Administrator
for Air, Noise and Radiation

TO: Regional Administrators
Regions I-X

In a memo dated September 11, 1978, you were informed of the Agency policy regarding the continuity of SIP regulations during this period of extensive SIP revisions. The attachment to that memo contained suggested wording of EPA's Federal Register notices proposing to approve and final approval of SIP revisions. Since that time, substantial comment has been received in regard to the suggested wording and a revision has been made. Attached is the revised suggested wording for EPA's Federal Register notices regarding approval of State Implementation Plan revisions.

Attachment

cc: M. Durning
J. Bernstein

REDRAFT OF LANGUAGE FOR 1979 SIP PREAMBLES

The measures proposed/promulgated today would/will be additional to, and not in lieu of, existing SIP regulations. The present emission control regulations for any source would/will remain applicable and enforceable to prevent a source from operating without controls, or under less stringent controls, while it is moving toward compliance with the new regulations (or, if it chooses, challenging the new regulations). Failure of a source to meet applicable pre-existing regulations would/will result in appropriate enforcement action, including assessment of noncompliance penalties. Furthermore, if there is any instance of delay or lapse in the applicability or enforceability of the new regulations, because of a court order or for any other reason, the pre-existing regulations would/will be applicable and enforceable.

The only exception to this rule is in cases where there is a conflict between the requirements of the new regulations and the requirements of the existing regulations such that it would be impossible for a source to comply with the new regulations. In these situations, the State may exempt a source from compliance with the pre-existing regulations. Any exemption granted would/will be reviewed and acted on by EPA either as part of these proposed/promulgated regulations or as future SIP revisions.

OCT 26 1978

PN-172-78-10-26-009

Ozone Transport Values for SIP Revisions

Walter C. Barber, Director
Office of Air Quality Planning and Standards

Director, Air and Hazardous Materials Division, Regions I, III-X
Director, Environmental Programs Division, Region II

Techniques for selecting transport values have been discussed in past guidance.[1] This memorandum is to further reinforce Agency policy concerning the use of background and present/future transport values in the development of ozone control strategies employing the linear rollback or EKMA method.

When developing an ozone control strategy, consistent assumptions must be employed. A control strategy cannot assume that a significant portion of the present ozone problem is due to ozone transported into the control region and at the same time assume that future transport will be at the commonly accepted natural background level of 0.04 ppm. For example, a control strategy for an urbanized area with a ozone design value of 0.19 ppm should not assume ozone presently transported in at a level of 0.13 ppm, while at the same time assuming that future ozone transport measurements will drop to the 0.04 ppm background level. High present transport is indicative of the influence of significant upwind sources which one can assume will be controlled to attain the standard. However, if the influence of these upwind emissions is as significant now as in the example, they will continue to be an important influence in the future. Accordingly, a future transport number at the natural background levels is not acceptable.

Regional Offices should pay careful attention to the present and future transport values in all linear rollback and EKMA evaluations made for ozone control strategies. Strategies which assume that transported ozone is a significant portion of the present problem and accordingly employ high present transport values, but then assume future transport to be at natural background, are not approvable.

---

[1] August 16, 1978, memo from Richard G. Rhoads to Regional Air and Hazardous Materials Division Directors, "Clarification of Attainment/ Nonattainment Evaluation Guidance."

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

DATE: OCT 6 1978

PN-172-78-10-06-008

SUBJECT: Comments on Auto Industry Proposals

FROM: Richard G. Rhoads, Director
Control Programs Development Division

TO: Director, Air and Hazardous Materials Division, Regions I, III-X
Director, Environmental Programs Division, Region II

A number of States and Regional Offices have requested OAQPS comments on auto industry proposals which differ from limits in the Control Technology Guidelines (CTG). Rather than review each proposal individually, we have aggregated the key issues raised in each and addressed it in the enclosed memorandum. This memorandum should be considered a supplement to the CTG and a clarification of EPA policy for the review of State SIP submittals.

Any questions or comments on this memorandum should be directed to John Calcagni at FTS 629-5365.

Enclosure

AUTOMOTIVE AND LIGHT TRUCK ASSEMBLY COATING OPERATIONS

A number of States have received suggestions and proposed standards for the control of auto and light truck assembly operations. The principle issues raised by these comments related to:

RACT for prime application

RACT for topcoat application

Averaging times for the emission limits

Case-by-case review

Compliance schedules

Our findings and guidance on these issues are as follows:

PRIME APPLICATION OPERATIONS

The prime coat serves the dual function of protecting the surface from corrosion and providing for good adhesion of the topcoat. A combination of manual and automatic spray methods, with or without the use of electrostatic techniques, is usually used to apply organic solvent-borne primer.

Primers may also be applied by dipping techniques. The Chrysler Corporation, for example, used water-borne dip primers for underbodies at some of its plants. Because the dip-coated primer is not smooth, the coating must be sanded or else be used only on areas where appearance is not important.

Of most interest from a pollution control standpoint is a relatively new priming process, electrophoretic (electrodeposited) water-borne dip. The object to be coated is immersed in a water-borne coating and an

electric potential is induced between the vehicle and the coating bath. By correctly setting the electrical potential and the time of the bath, the coating thickness can be controlled as desired. Corrosion protection is excellent because coverage is more complete than can ever be obtained by spray priming alone. The electrophoretic dip process is used at over 40 percent of U.S. assembly plants and is very widely used in Europe.

Because of the uniformity of the electrodeposited coating, it does not "mask" imperfections in the substrate and additional primer must be sprayed on those areas for subsequent sanding. This additional primer, called "surfacer" or "guidecoat," is available as either a water-borne or organic solvent-borne coating.

The EPA recommendation of 1.9 lb/gal (less water) was based on a weighted average of the two essential components in this system: .8 lb/gal coating used in the anodic electrodeposition (EDP) process then in use and a 2.8 lb/gal (less water) coating for the surfacing operation.

The industry comments on the prime application operations have questioned the availability of cathodic EDP coatings at the same solvent content as anodic EDP. Cathodic EDP is a new development in EDP coating and is considered to be a superior technology because it markedly improves the corrosion resistance. Our investigation on this matter concluded:

Anodic EDP coatings are available at .8 lb/gal (less water).

Presently used anodic EDP coatings are 1.2 lb/gal (less water).

Presently used cathodic EDP coatings are between 1.8 and 2.1 lb/gal (less water).

Coating manufacturers have committed to providing cathodic EI coatings at 1.2 lb/gal (less water).

In terms of emissions/year, a typical EDP line (coating 40 i mediate size vehicles per hour) using a .8 lb/gal (less water) coa consumes 15 tons/year while a 1.2 lb/gal (less water) coating cons 26 tons/year and a 2.1 lb/gal (less water) coating consumes 54 ton: Test results have shown approximately two-thirds of this solvent c(tion from an EDP process is removed from the system by the waste wa stream reducing the emissions from the oven and dip tank to a thirc these values. Accordingly, State regulations should require EDP bu less stringent limits than 0.8 lb/gal. Based on the available data believe a regulation which calls for EDP at 1.2 lb/gal (less water) prime application would allow the use of either cathodic or anodic even though cathodic EDP coatings at less than 1.8 lb/gal (less wat(are not commercially available today.

For surfacing operations, the EPA recommended limit of 2.8 lb/g equivalent to a 62 percent solids coating, is based on a conventiona applied water-borne coating which was in use in two plants in this c We anticipate that conversion to a water-borne surface will be the p compliance technique for approximately 50 percent of the industry.

In evaluating equivalence to the CTG, it is important to consid transfer efficiency. Electrostatically sprayed coatings offer a mar advantage over conventional spray coatings in that the overspray (or material) is reduced from about 50 percent to 30 percent. Unfortunat water-borne coatings are not presently applied electrostatically in t automotive industry because of some safety problems. Considering the higher transfer efficiency, a 55 percent solids organic-borne surface

applied electrostatically can be considered equivalent to the EPA-recommended limit of 2.8 lb/gal. Although a 55 percent solids prime coat is not presently available, if it can be developed, it would be t preferred option for a significant fraction of the industry. It shou also be noted that a shortfall from the 55 percent solids coating pro can be made up through the addition of add-on c ntrols such as incine of the prime oven emission, or carbon adsorption on the spray booth a flash off areas.

TOPCOAT APPLICATION OPERATIONS

The area receiving the most comment has been the appropriate cor levels for topcoat application. The EPA-recommended limit of 2.8 lb, was based on a conventionally sprayed water-borne enamel coating pre being applied at two automotive assembly plants in California. Cons there can be no argument as to the technical feasibility of achievin 2.8 lb/gal.

At many of its plants, General Motors uses lacquers for the top Lacquers have an extremely high solvent content (≈ 88 volume percent American, and Chrysler use topcoat enamels with 65 to 78 percent so by volume. Volkswagen expects to use topcoats with only 30 volume solvent equivalent by 1981.

A number of major process modifications are necessary, however retrofit water-borne coating technology to an existing plant. This the lengthening or addition of new ovens and flash tunnels, humidit temperature controls in the spray booths, increased sludge handlin bilities, provisions for additional power, and use of more corrosi resistant materials in the piping and spray booth construction. T

of this retrofitting will vary and one major variable will be the age of the existing coating equipment. If near retirement, it may be better to build entirely new spray booths and ovens. This was done at one of two automobile plants which converted to water-borne coatings. If the coating equipment is still relatively modern, however, retrofitting will entail lengthening of ovens and modification of spray booths and conveyors. This was the approach taken at the other automobile plant using water-borne topcoats. While costs will vary from plant-to-plant, capital costs for a retrofit to water-borne topcoats for the "model plant" were estimate by EPA to be about $20 million (1975 dollars). For a plant where the entire coating line is replaced, capital costs can be about twice this.

Incremental operating costs include increased electrical requirements and maintenance labor. Coating material costs are approximately the same. Higher oven temperature causes an increase in natural gas usage.

Actual conversion to water-borne coatings may not be the only way to achieve the emission levels represented by 2.8 lb/gal. For example, emissions from electrostatic application of an organic-borne topcoat of 55 percent solids (with a transfer efficiency of 70 percent) is equivalent to conventionally sprayed water-borne coating with 2.8 lb/gal (less water) of solvent. Electrostatic application of a 50 percent solids coating (with a 70 percent transfer efficiency) would require an additional 16 percent reduction of the organic solvent through add-on controls in order for it to emit no more than the water-borne. These reductions may b achieved through incineration of oven emissions and/or carbon adsorption of a portion of the spray booth emissions.

It should be noted that while carbon adsorption of the spray booth emissions is technically feasible, no full-scale installations are presently in operation in automobile plants although the two major manufacturers both have large scale pilot studies underway. If a coating with a reasonably high solids content (50-55 percent) becomes commercially practicable for the automobile topcoat, the costs for add-on controls to provide incremental reductions would be significantly less than the cost of converting to an all water-borne operation. Naturally, if future organic-borne enamel coatings fall short of 50 percent solids, a greater reliance on add-on control would be necessary. For example, a 45 percent solids coating with a 70 percent transfer efficiency would require a 31 percent reduction from add-on controls.

AVERAGING TIMES

The 2.8 lb/gal (less water) limit chosen represents a typical color being used. Some of the light metallic colors require greater solvent content (as high as 3.1 lb/gal). If the 2.8 lb/gal (less water) value is interpreted as a maximum not to be exceeded, this would likely constrain the availability of certain colors. Suggestions have been made by the automotive industry that this should be an average. If a State regulation expresses this limit as a daily weighted average or arithmetic average of the colors in use (so long as the limit is unambiguously expressed and legally enforceable), OAQPS would not regard that as being perceptibly different than the recommended limit.

CASE-BY-CASE REVIEW

Arbitrary variation from the recommended limits is not appropriate. However, the recommended limits are presumptive norms for the category i question, not absolutes for each individual plant. If facility specific problems unique to a given plant are identified, these should be conside on a case-by-case basis. In any circumstance where the State requiremen vary from the recommended limit, the SIP must provide adequate technical information to support the modification. Individual source specific regulations or variances are appropriate if:

1. The recommended limit is inappropriate for an individual source because of specific circumstances unique to the particular facility;

2. The proposed level of control is the maximum reasonably attainable by the operation in question. Specific consideration should be giv to the feasibility of development of technology to comply with a value at or near the recommended value; and

3. The reasonable further progress demonstration is not violated.

It should be noted that any change made after the initial submittal will have to be a SIP revision and that the revision must provide a means to account for the increased emissions in the SIP. This could be through such measures as offsets by the sources, plans for additional reductions to be obtained by the State beyond what the SIP called for, a reduction in the growth increment. In brief, the plan must continue to demonstrate a program for attainment.

COMPLIANCE SCHEDULES

Where source specific schedules cannot be proposed, OAQPS recommends that the SIP contain categorical compliance dates for each source category. A categorical schedule for any CTG categories must have increments of progress which are as expeditious as practicable. This schedule should reflect the minimum reasonable time necessary for a typical individual source to install controls. However, that is not to say that all sources must comply by that date. Individual extensions beyond this date, but not later than the attainment date, may be acceptable on a case-by-case basis if:

1. The State demonstrates that it is physically impossible for the operation in question to comply with the date.

2. That, by allowing additional time, innovative technology will be applied and the reductions to be achieved will be significantly greater than that from the CTG RACT value (this ultimate limitation must be legally enforceable).

3. Additional time is necessary to allow for the development of low solvent systems rather than apply add-on controls.

4. The operation in question is part of a Statewide or multi-state program to prioritize the sequence of installing controls at a number of similar operations and that the overall compliance program has been approved as being expeditious as practicable.

Note that any modification of the compliance schedule beyond December 31, 1982, will need to be a SIP revision and will impact the evaluation of reasonable further progress (RFP). In no case should compliance with RFP be waived. Hence, an alternate schedule beyond 1982 can be approved only if the RFP program is modified to reflect the delays.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: 24 AUG 1978

SUBJECT: Clarification of EPA Policy on Emissions of Methyl Chloroform

PN-172-78-08-24-006

FROM: Walter C. Barber, Director
Office of Air Quality Planning and Standards (MD-10)

TO: Regional Administrator, Regions I-X

The purpose of this memo is to clarify EPA's position with regard to State and Federal regulation of emissions of methyl chloroform (1,1,1, trichloroethane). On July 8, 1977, EPA published the present "Recommended Policy on Control of Volatile Organic Compounds" (42 FR 35314). This policy exempts methyl chloroform from inventory requirements and regulations to meet the national ambient air quality standard for photochemical oxidants. However, the policy indicated that methyl chloroform had been implicated as having deleterious effects on stratospheric ozone and therefore may be subject to future controls. Nevertheless, the policy seems to be encouraging a shift to the uncontrolled use of methyl chloroform in place of trichloroethylene and other regulated solvents in metal degreasing operations.

We have been advised by the Office of Toxic Substances that methyl chloroform should be considered potentially harmful to the ozone layer and that they are performing the necessary evaluations and assessments prior to pursuing further regulatory initiatives. Hence, its use in an uncontrolled fashion should not be encouraged. Accordingly, OAQPS has begun the necessary actions to propose removal of methyl chloroform from the list of exempt volatile organic compounds (VOC). However, we do not expect this action to be completed before the State Implementation Plans for photochemical oxidants are to be submitted. In addition, I have directed that the new source performance standards to be proposed for solvent metal cleaning operations, as well as any other solvent uses, require positive control of all VOC emissions including methyl chloroform.

I recognize that many States are well along in the preparation of their regulatory packages and inventories. In order not to change the existing guidance at this late date, I am requesting that you advise your State directors that, although we will not disapprove a State oxidant SIP submittal which exempts methyl chloroform from control, we are very concerned with the environmental risks associated with wide scale substitution to methyl chloroform; and that the uncontrolled use of methyl chloroform as an approved means for compliance should be avoided wherever possible.

cc: Director, Air & Hazardous Materials Division, Regions I, III-X
Director, Environmental Programs Division, Regions II
Chief, Air Branch, Regions I-X
Steven D. Jellinek, Office of Toxic Substances
Warren Muir, Office of Toxic Substances

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

PN-172-78-08-04-004

4 AUG 1978

OFFICE OF
AIR AND WASTE MANAGEMENT

SUBJECT: Requirement for VOC RACT Regulations in all Oxidant Nonattainment Areas.

FROM: David G. Hawkins, Assistant Administrator for Air, Noise and Radiation (AW-443)

TO: Regional Administrators
Regions I-X

This is a follow-up to Mr. Costle's February 24, 1978, memorandum entitled "Criteria for Approval of 1979 SIP Revisions", and to my recent discussions with the Regional Air and Hazardous Materials Division Directors in Houston. It is intended to clarify the 1979 SIP requirements for volatile organic compound (VOC) RACT regulations for all oxidant nonattainment areas.

The issues of long range oxidant transport and background make it difficult to develop oxidant control strategies with the degree of precision normally associated with more stable air pollutants. Further, certain of the available analytical techniques will tend to underestimate the degree of control required for attainment. The use of less rigorous analytical techniques such as rollback support 1979 SIP revisions is acceptable in areas where reasonably available control measures are scheduled for implementation. However, for the reasons stated above this technique is not acceptable as a demonstration that RACT regulations on VOC sources are not needed to attain and maintain the oxidant standard. Accordingly, for every oxidant plan which relies on the rollback technique for its control strategy demonstration, the plan must, as a mimimum, include legally enforceable provisions for the control of large VOC sources (more than 100 tons/year potential emissions) for which EPA has issued a Control Technology Guideline (CTG). Plans which rely on the rollback technique and do not contain these provisions will not be approvable. The only exception to this policy is the situation in which the control agency certifies that there are no affected sources for a particular source category in the nonattainment area.

States which wish to attempt to demonstrate that the oxidant standard can be attained and maintained without adopting one or more of such RACT regulations for large VOC sources may do so but must employ more rigorous analytical techniques than the rollback method; i.e., photochemical dispersion modeling.

I ask that you proceed immediately to advise your States and to integrate this policy clarification into the ongoing SIP development process.

cc: M. Durning
J. Bernstein
Director, Air and Hazardous Materials
Division, Regions I, III-X
Director, Environmental Programs Division,
Region II

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: 30 JUN 1978

PN-17--78-06-30-003

SUBJECT: Vapor Recovery Regulations Required to Meet RACT Requirements for the 1979 SIP

FROM: Richard G. Rhoads, Director
Control Programs Development Division

TO: Allyn Davis, Director
Air and Hazardous Materials Division, Region IX

In response to your memo dated June 2, 1978, regarding the subject matter, I offer the following comments for your consideration.

As you know, the 1979 oxidant plan submissions for major urban areas must include, as a minimum, legally enforceable regulations to reflect the application of reasonably available control technology (RACT) to those stationary sources for which a Control Techniques Guideline (CTG) has been published by January, 1978. While it is recognized that RACT will be determined on a case-by-case basis, the criteria for SIP approval will rely heavily upon the information contained in the CTGs. However, deviations from the CTGs are acceptable, provided one of two possible conditions are met.

First, a regulation which deviates from the CTG may be approved by this Agency if economics or other circumstances justify regulatory requirements less stringent than those contained within the CTG. In this situation, the 1979 SIP submittal must provide adequate justification for such deviations. Please note that the above discussion applies in those instances where the deviation from the CTG results in a less stringent control requirement and that in cases where regulations are more stringent than the CTGs, no justification for the deviation is necessary.

Alternatively, this Agency may approve State regulations that are only marginally different from the CTGs without the detailed justification noted above if the impact on emission differs imperceptibly (less than five percent in cases where it is possible to quantify the difference) from that of the CTG and there is no significant threat of undermining Agency activities elsewhere in the nation. This concept, however, is only applicable on a source category basis. In other words, it would be unacceptable to approve a source category specific regulation requiring significantly less control than the corresponding CTG on the basis that other source categories are regulated to a degree significantly more stringent than the comparable CTGs.

Although your analysis of the State and Federal regulations and the CTGs appears correct and we agree with your interpretation of the CTG regarding accounts which may be exempted, a further analysis is required to assess the acceptability of the California regulations.

Such an analysis would have to demonstrate that the California regulations regulate emissions to within five percent of the CTG or justify deviations greater than five percent on the basis of economics or other circumstances.

Furthermore, approvability of VOC regulations is not dependent on the ability of a State to demonstrate attainment by 1982 versus 1987. As indicated by Mr. Hawkins at the recent Air and Hazardous Materials Division Directors' meeting in Houston, RACT must be applied to all categories in all areas designated nonattainment for photochemical oxidants. This office is currently preparing a policy memorandum on this matter for Mr. Hawkins' signature.

If you have any questions, please feel free to call.

cc: Director, Air and Hazardous Materials Division, Regions I, III-VIII, & X, w/incoming letter
Director, Environmental Programs Division, Region II, w/incoming letter
E. Reich, DSSE, w/incoming letter
M. James, OGC, w/incoming letter
H. Beal, SRED, w/incoming letter

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: 16 MAR 1978

SUBJECT: Example Demonstration of Attainment for Photochemical Oxidants

PN-172-78-03-10-002

FROM: Richard G. Rhoads, Director
Control Programs Development Division

TO: Director, Air and Hazardous Materials Division, Regions I, III-X
Director, Environmental Programs Division, Region II

This office has received numerous inquiries concerning the content of the 1979 State implementation plan (SIP) submissions relating to the demonstration of attainment for oxidants. Specifically, the inquiries focused on the questions of which models are acceptable for air quality prediction purposes and which techniques are acceptable for presenting the emissions inventory.

One of the statutory criteria for approval of the 1979 plan is that it must determine the level of control needed to demonstrate attainment (including growth). For oxidants, such a determination shall be made by applying any modeling technique referenced in the document "Use, Limitation and Technical Basis of Procedures for Quantifying Relationships Between Photochemical Oxidants and Precursors," EPA 450/2-77-021a, November, 1977. Consideration of background and transport for oxidants should generally be in accordance with the procedures described in this document. Although the use of Appendix J to 40 CFR Part 51 to determine the degree of emission reduction necessary to attain the ambient standard for photochemical oxidants is not referred to in the above-mentioned document, the use of such a procedure by State agencies should be condoned. In no instances, however, should the Regional Offices employ Appendix J or any other method not referenced in the above-mentioned document to develop photochemical oxidant control strategies.

Emission inventories should be developed in accordance with the document "Procedures for the Preparation of Emission Inventories for Volatile Organic Compounds," EPA 450/2-77-028, December, 1977, and the Agency's recommended policy on the control of volatile organic compounds (VOC) published in the July 8, 1977, Federal Register (42 FR 35314). Because there exists a need to be able to compare baseline inventories from one area to another, as well as to determine the impact of employing various control strategies, a common format for summarizing such inventories is desirable. Therefore, the enclosed format should be strongly recommended to State agencies generating summary reports of VOC emissions. This format allows the control agency to identify all major source categories of volatile organic compound emissions and to determine the reductions that may occur in an area if various control strategies are employed. In addition, the enclosed form should be utilized to summarize the anticipated percent emission reduction from transportation control measures to allow one to

determine what percentage of the total emission reduction is attributable to various transportation control measures. Finally, both summaries should be prepared for each area for which a separate strategy is being developed.

Hopefully, these comments adequately respond to your questions in the subject areas. However, if you need further assistance, please feel free to contact me or my staff.

Enclosure

cc: R. Neligan
J. Hidinger

SUMMARY OF ANTICIPATED

PERCENT EMISSION REDUCTIONS FROM

RTCMs

MEASURES	% EMISSION REDUCTION
Inspection/maintenance	
Improved public transit	
Exclusive bus and carpool lanes	
Areawide carpool programs	
Private car restrictions	
Long-range transit improvements	
On-street parking controls	
Park and ride and fringe parking lots	
Pedestrian malls	
Employer programs to encourage car and van pooling, mass transit, bicycling and walking	
Bicycle lanes and storage facilities	
Staggered work hours	
Road pricing to discourage single occupancy auto trips	
Controls on extenced vehicle idling	
Traffic flow improvements	
Alternative fuels or engines and other fleet vehicle controls	
Other than light duty vehicle retrofit	
Extreme cold start emission reduction programs	
Other (specify)	

SUMMARY FORMAT FOR VOC

SOURCE		BASE YEAR EMISSIONS 1977	1982 (1987) PROJECTED ALLOWABLE EMISSIONS FROM SOURCES EXISTING IN 1977	GROWTH SINCE 1977
PETROLEUM REFINERIES	REFINERY FUGITIVES (leaks)			
	MISCELLANEOUS SOURCES a) Process Drains and Waste b) Vacuum Producing Systems c) Process Unit Blowdown			
	OTHER			
STORAGE, TRANSPORTATION & MARKETING OF PETROLEUM PRODUCTS	OIL & GAS PRODUCTION FIELDS			
	NATURAL GAS AND NATURAL GASOLINE PROCESSING PLANTS			
	GASOLINE & CRUDE OIL STORAGE[1]			
	SHIP AND BARGE TRANSFER OF GASOLINE & CRUDE OIL			
	BULK GASOLINE TERMINALS [2]			
	GASOLINE BULK PLANTS[3]			
	SERVICE STATION LOADING (stage I)			
	SERVICE STATION UNLOADING (stage II)			
	OTHER			
INDUSTRIAL PROCESSES	ORGANIC CHEMICAL MANUFACTURE			
	PAINT MANUFACTURE			
	VEGETABLE OIL PROCESSING			
	PHARMACEUTICAL MANUFACTURE			
	PLASTIC PRODUCTS MANUFACTURE			
	RUBBER PRODUCTS MANUFACTURE			
	TEXTILE POLYMERS MANUFACTURE			
	OTHERS			
INDUSTRIAL SURFACE COATING	LARGE APPLIANCES			
	MAGNET WIRE			
	AUTOMOBILES			
	CANS			
	METAL COILS			
	PAPER			
	FABRIC			
	METAL FURNITURE			
	WOOD FURNITURE			
	FLAT WOOD PRODUCTS			
	OTHER METAL PRODUCTS			
	OTHERS			
NON-INDUSTRIAL SURFACE COATINGS	ARCHITECTURAL COATINGS			
	AUTO REFINISHING			
	OTHERS			
OTHER SOLVENT USE	DEGREASING			
	DRY CLEANING			
	GRAPHIC ARTS			
	ADHESIVES			
	CUTBACK ASPHALT			
	OTHER SOLVENT USE			
OTHER-MISCELLANEOUS SOURCES	FUEL COMBUSTION			
	SOLID WASTE DISPOSAL			
	FOREST, AGRICULTURAL AND OTHER OPEN BURNING			
TOTAL VOC EMISSIONS FROM STATIONARY SOURCES				
MOBILE SOURCES	HIGHWAY VEHICLES a) Light Duty Automobiles b) Light Duty Trucks c) Heavy Duty Gasoline Trucks d) Heavy Duty Diesel Trucks e) Motorcycles			
	OFF HIGHWAY VEHICLES			
	RAIL			
	AIRCRAFT			
	VESSELS			

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 175
(VOLUME 1)

** CLEAN AIR ACT SECTION 175

* PN175-79-02-12-004
REGIONAL OFFICE ASSISTANCE IN EXPEDITING HEADQUARTERS REVIEW OF SECTION 175 GRANT APPLICATIONS

* PN175-80-04-23-006
IMPLEMENTATION OF EXECUTIVE ORDER 12185, CONSERVATION OF PETROLEUM AND NATURAL GAS

* PN175-80-06-12-008
PROCEDURES FOR CONFORMANCE OF TRANSPORTATION PLANS, PROGRAMS AND PROJECTS WITH CLEAN AIR ACT STATE IMPLEMENTATION PLANS

* PN175-80-06-23-009
PUBLIC PARTICIPATION IN THE STATE IMPLEMENTATION PLAN - TRANSPORTATION REVISION PROCESS: EXPANDED GUIDELINES (FR CITATION)

In order to conserve space, the Federal Register notice entitled:

> Public Participation in the State Implementation Plan - Transportation Revision Process: Expanded Guidelines (45 FR 42023, June 23, 1980)

is not included in the Air Programs Policy and Guidance Notebook. Please refer to this notice for EPA policy/guidance related to this subject.

U.S. Department of Transportation
and
U.S. Environmental Protection Agency

PROCEDURES FOR CONFORMANCE OF TRANSPORTATION PLANS, PROGRAMS AND PROJECTS WITH CLEAN AIR ACT STATE IMPLEMENTATION PLANS

These procedures are to be applied to activities in nonattainment areas or portions thereof, as designated under Section 107(d), Clean Air Act (CAA), where State and local officials have determined under Section 174, CAA, that transportation control measures are needed to attain and maintain the national ambient air quality standards for transportation-related pollutants. Section C of these procedures provides for an exception to the application of these procedures where revision to a state implementation plan (SIP) is found to be necessary.

Conformance - Section 176(c)

Conformance between transportation plans, programs and projects, and the SIP is required by this section of the CAA. DOT has an affirmative responsibility to assure the conformity of any activity it supports, funds, or approves. Further, Section 176(c) prohibits an MPO from giving its approval to any project, program or plan that does not conform to the SIP. The conformity requirement applies in all nonattainment and maintenance areas requiring transportation control plans for transportation-related pollutants.

In such areas, transportation plans and programs will be judged in conformance with the SIP if they do not adversely affect the transportation control measures in the SIP and they contribute to reasonable progress in implementing the transportation control measures contained in the SIP.

A. Conformance of Transportation Plans and Programs

Conformance of plans and programs will be determined and documented by DOT (the UMTA and FHWA Regional and Division Administrators) as a part of the certification and transportation improvement program reviews. These determinations will be based upon the following actions:

1. The MPO's determination that the transportation plan and program (TIP) adopted by the policy board are in conformance with the SIP;

2. The FHWA and UMTA finding that the urban transportation planning process effectively incorporates air quality objectives and procedures required by adopted DOT/EPA guidelines in the development of the plan and program;

3. The FHWA and UMTA finding that coordination exists between air quality and transportation agencies, including a finding that the MPO has met locally established procedures (developed pursuant to Sections 174 and 121, CAA) to integrate transportation and air quality planning prior to approval of the plan or program by the MPO policy board;

4. The advancement of air quality planning tasks included in the UPWP in accordance with work programs contained in the SIP;

5. Timely programming of transportation measures contained in the SIP by including these measures in the State 105 program approved and funded by FHWA and the TIP/AE approved and funded by UMTA; and

6. The timely implementation of transportation measures contained in the SIP, consistent with the priority required for these measures by Section 176(d) of the Clean Air Act and subject to the availability of Federal funds.

The June 14, 1978, Memorandum of Understanding (MOU) between EPA and DOT provides EPA an opportunity to jointly review and comment on conformity of transportation plans and programs. When it is determined through the evaluation of these actions that reasonable progress is not being made on transportation planning or implementation commitments in the SIP, representatives of DOT and EPA will meet with the affected State and local jurisdictions and agencies, and regional planning organizations to discuss problem resolution before DOT makes a final conformance determination. These discussions should focus upon, as appropriate, accelerating implementation of transportation control projects in the SIP and developing and implementing acceptable substitutes for delayed projects.

Once the evaluation has been completed (including the joint DOT/EPA meeting with State and local representatives, where necessary) and DOT determines that an area's plan or program does not conform to the SIP, transportation program approvals will be limited in the area to preliminary engineering and environmental impact studies, advanced ROW purchases involving hardship cases, and those actions that are exempt from sanctions under Section 176(a), CAA as defined in the policy and procedures on Federal assistance limitations (Federal Register/Vol. 45, No. 71/Thursday, April 10, 1980) until the deficiences are corrected and a conformance finding is made.

B. Conformance of Transportation Projects

A project conforms to an SIP if:

1. it is a transportation control measure from the SIP (should the project be specifically included in the SIP, no separate conformance finding need be made); or

2. it comes from a conforming transportation improvement program; or

3. it is a project, exempt from transportation improvement program requirements, which does not adversely affect the transportation control measures in the approved SIP. Exempt projects are those Primary and Interstate safety projects included in the Statewide safety improvement program instead of the TIP and emergency relief, control of junkyards and outdoor advertising, and pavement marking demonstration projects.

However, after adoption of a final EIS or after a formal finding or determination that a project will involve no significant environmental impact, a project will not be subject to further conformity review unless:

1. a Supplemental EIS significantly related to air quality considerations is undertaken; or

2. a SIP revision is requested in which case the procedures in C (below) would be followed; or

3. major steps toward implementation of the project (such as the start of construction or substantial acquisition and relocation activities) have not commenced within three years from the date of approval of the final EIS.

C. Conformity During Subsequent SIP Revisions

1. EPA Activities

There may be situations that would cause EPA to require the SIP to be revised. The revisions may add transportation control measures to an SIP which previously had none or increase the emission reduction responsibility of the transportation sector. The EPA will determine the need for SIP revisions based upon its review of the reasonable further progress (RFP) schedule in the SIP and the degree to which the schedule is being met. Some of the situations which could affect the meeting of the RFP schedule are:

a. incorrect assumptions on growth rates and travel demand;

b. overly optimistic expectations of stationary source controls, vehicle inspection and maintenance programs, or transportation control measures; and

c. inability to implement some portion(s) of the SIP.

By publication in the Federal Register, EPA will notify FHWA, UMTA, and the public when an SIP revision has been requested.

The EPA intends to require all of the current SIP's (where carbon monoxide and ozone are major concerns) to contain a contingency provision which would apply when monitoring of progress reporting indicates that reasonable further progress toward attainment of air quality standards is not being maintained and EPA determines the SIP must be revised. For areas over 200,000 population the contingency provision in the SIP should include a locally developed list of projects which implementing agencies have agreed can be delayed during an interim period while an SIP is being revised.

2. DOT Activities

After notification by EPA that an SIP revision has been requested, and for a twelve-month period thereafter or until the SIP is formally revised, whichever is shorter, the DOT will not authorize construction of any project contained in the SIP contingency provision list unless it is a project exempt from sanctions under Section 176(a), CAA.

D. Relationship to Consistency Requirement

The DOT, in consultation with EPA, has determined that the conformance finding between transportation plans, programs and projects and an approved or promulgated SIP also meets the consistency requirement of 23 U.S.C. 109(j) and 23 CFR 770. This finding will henceforth apply only in nonattainment and maintenance areas requiring transportation control measures for transportation-related pollutants. Conformity procedures will be incorporated expeditiously into the joint urban planning regulations (23 CFR 450 and 49 CFR 613) and environmental directives.

Priority - Section 176(d)

Section 176(d), CAA, requires Federal agencies with authority to support or fund transportation-related activities to give priority to implementing the transportation control measures in the SIP. In accordance with the Conformance Section of this memorandum, a conformity determination of the transportation program cannot be made unless the program contributes to reasonable progress in implementing the transportation control measures in the SIP. In this respect, the conformance and priority requirements are clearly related, and priority for air quality-related projects should be assured through the conformance procedures.

The FHWA will meet this requirement through implementation of the Federal-Aid Program Approval and Project Authorization regulations, 23 CFR 630, Subpart A, which provide for FHWA review and approval of programs and projects. A review of progress will be made by FHWA at the time of TIP/AE review and annual program of projects approval.

The UMTA will meet this requirement through the TIP/AE review and approval process under 49 CFR 613. Air quality projects are to be given significant emphasis by MPO's in developing the TIP/AE and by UMTA in its approval of the TIP/AE. A review of implementation progress will be made by UMTA at the time of TIP/AE review and approval, and will be addressed specifically in UMTA's TIP review memorandum. The DOT and EPA Regional/Division representatives will negotiate procedures for insuring that EPA receives copies of these progress reviews and approval documents.

The June 1978 EPA-DOT MOU provides the EPA Regional Administrator with an opportunity to review the TIP/AE at the time it is forwarded by a State or local agency for Federal agency action. If the EPA Regional Administrator determines that the TIP/AE does not contribute to reasonable progress in implementing transportation measures in the SIP, he will submit recommendations to the DOT Regional/Division representatives for remedial or alternative action. The DOT will explicitly consider EPA's comments and notify EPA of the disposition of its comments before acting on the TIP/AE.

Similarly, under the June 1978 MOU, DOT Regional/Division representatives will be provided an opportunity to review the SIP at the time it is forwarded to EPA for approval. In light of the priority requirement in Section 176(d) DOT review of the SIP should consider the projected availability of Federal resources to meet transportation commitments in the SIP and also meet other priorities or obligations.

Where other priorities are a consideration, non-SIP transportation measures can be funded or implemented to meet these obligations. However, SIP-related transportation measures must retain a high priority and funding decisions must promote timely implementation of SIP measures to the extent that funds are available.

Date: June 12, 1980

Donald F. Mazziotti
Deputy Assistant Secretary for
Policy and International Affairs
Department of Transportation

David G. Hawkins
Assistant Administrator for Air, Noise
and Radiation
Environmental Protection Agency

COPY

PN 175-80-04-23-006

APR 23, 1980

SUBJECT: Implementation of Executive Order 12185, Conservation of Petroleum and Natural Gas

FROM: David G. Hawkins, Assistant Administrator for Air, Noise, and Radiation (ANR-443) [Original signed by]

TO: Air and Hazardous Materials Division Directors, Regions I-X

BACKGROUND

On December 17, 1979 President Carter signed Executive Order 12185, a copy of which is attached, encouraging the additional conservation of petroleum and natural gas by recipients of federal financial assistance. An interagency effort coordinated by White House staff was initiated to implement the order.

On February 7, 1980 the Environmental Protection Agency (EPA) and other federal agencies published in the Federal Register (45 FR 8534) a list of federal assistance programs that may offer opportunities for energy conservation. Since that time the White House coordinators have requested the identification of changes in regulations and other actions to assure that the assistance programs do contribute to energy conservation. These changes in regulations and other actions will be announced in the Federal Register in May 1980.

ENERGY CONSERVATION FROM EPA ASSISTANCE PROGRAMS

The EPA response to the White House indicated that administrative actions can be used to assure that energy conservation is adequately considered by recipients of section 175 and 105 grants and that no changes in regulations are necessary. The actions that were identified for the two grant programs are described below.

I urge each of you to consider these and other actions that will result in energy conservation when you negotiate grants with state and local governments. I know that several regional offices have already identified energy conservation initiatives

in response to the March 13, 1980 memorandum from the Administrator and Deputy Administrator. If you have any questions about the actions listed below, please call Jerry Kurtzweg at 755-0570.

SECTION 105 CONTROL AGENCY CRAFTS

The annual EPA operating guidance already identifies a number of energy related activities including:

- vehicle inspection and maintenance programs
- fuel conversions
- permitting of energy facilities

EPA headquarters staff will evaluate the portion of the agency guidance setting priorities for section 105 grants to determine whether any revised or supplementary guidance is necessary to implement Executive Order 12185. Any additional guidance result from the evaluation will be sent to regional offices by mid-May 1980.

Energy conservation considerations will be incorporated in the requirements for future state implementation plan revisions. Additional emphasis will be placed on the requirement of section 172(b)(9) of the Clean Air Act for identification and analysis of energy and other effects of plan revisions.

SECTION 175 URBAN AIR QUALITY PLANNING GRANTS

Identification of the energy implications of air quality plan elements was explicitly identified in the March 6, 1980 Federal Register notice of funds availability as an activity eligible for funding. Regional offices should assure that the work programs prepared by grant applicants adequately provide for energy assessments. Energy assessments should receive high priority in allocating any discretionary funds that regional offices may have.

Attachment

cc: Ed Tuerk
Walt Barber
Steve Kuhrtz
Chris Palmer
Bob Fuhrman
Air Branch Chiefs

PN 175-79-02-12-004

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 12, 1979

OFFICE OF
AIR, NOISE, AND RADIATION

COPY

SUBJECT: Regional Office Assistance in Expediting Headquarters Review of Section 175 Grant Applications

FROM: Gary C. Hawthorn, Chief [original signed by]
Transportation Policy Branch

THRU: John O. Hidinger, Director
Office of Transportation and Land Use Policy

MEMO TO: Air & Hazardous Materials Division
Directors, Regions I-X
Air & Hazardous Materials Branch
Chiefs, Regions I-X
Transportation Contacts, Regions I-X.

1. Background: The DOT-EPA Interagency Agreement of November 3, 1978 (see Appendix B of December 26, 1978 Federal Register (FR) notice on Urban Air Quality Planning Grants) defines the respective roles of EPA and UMTA in administering section 175 funds. This memorandum does not modify the roles of EPA and UMTA Regional Offices as provided for in the Interagency Agreement. Rather, this memorandum provides additional, clarifying information on the specific roles of EPA and UMTA headquarters in the section 175 grants management process.

2. UMTA's planning grant procedures require that all section 175 planning grants and work programs for large cities (with over one million population) be reviewed by UMTA headquarters and signed by the UMTA Administrator. This required review by UMTA headquarters can add approximately two to three weeks to the total time for grant processing and approval. In carrying out OTLUP's program responsibilities, the Transportation Policy Branch will participate in -- and work to expedite -- this headquarters review. My staff will review the proposed scope of work and budget to insure conformity with the current UPWP, the EPA-DOT Transportation-Air Quality Planning Guidelines, and the EPA-DOT Federal Register on Urban Air Quality Planning.

3. EPA and UMTA Regional Offices can help expedite headquarters' review by insuring that secition 175 grant applications provide the information required in the December 26, 1978 FR notice.

Lead agencies should be strongly encouraged to prepare the grant application with the FR notice in hand. The most expeditious headquarters' review can be conducted when:

(1) The application explicitly provides information for each item required in section H, "Application Procedures."

(2) The eligible priority activities in section F are explicitly discussed and described in the UPWP (upon which the grant application is based) - Generally, the initial grant falls into one of two categories:

(a) where the initial grant application is for a multiple year work program of activities leading to an approvable SIP, section F activities to be conducted during the first year should be described and costed in some detail. The remaining section F activities to be undertaken in subsequent years should be generally described and roughly costed. Activities listed in section F that are omitted in the application and those included in the application but not contained in section F should be discussed in more detail.

(b) where the initial grant is primarily for development of a multiple year work program, each section F activity need not be discussed and described. However, in this situation the second grant for a multiple year work program of activities should contain a discussion and description of each section F measure as described in (a) above.

Headquarters' review will be lengthened considerably when this required information is either missing or difficult to find.

4. When necessary, headquarters may also review work programs and grant applications for smaller cities (with population less than 1,000,000) to insure conformity with the UPWP, the EPA/DOT Transportation/Air Quality Planning Guidelines, and the EPA/DOT Federal Register on Urban Air Quality Planning.

5. Questions on this memorandum should be directed to either Gary Hawthorn or Len Fleckenstein (755-0603).

cc: David Hawkins
Ed Tuerk
Walt Barber
Steve Kuhrtz
Jim Getzewich

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 176
(VOLUME 1)

** CLEAN AIR ACT SECTION 176

* PN176-79-06-08-001
IMPACT OF CLEAN AIR ACT NONATTAINMENT SANCTIONS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

PN-176-79-06-08-001

JUN 8 1979

OFFICE OF
AIR, NOISE, AND RADIATION

SUBJECT: Impact of Clean Air Act Nonattainment Sanctions

FROM: David G. Hawkins, Assistant Administrator
for Air, Noise and Radiation (ANR443)

MEMO TO: Regional Administrator, Regions I-X

There is substantial concern and confusion over what will happen to new construction on July 1, 1979, if States have not by then satisfied the State Implementation Plan (SIP) requirements of Part D of Title I of the Clean Air Act. Regional Administrators should take action to inform the States and the concerned public that, although very few State plans will have been approved by July 1, construction of major air pollution sources will not stop as of that date. In addition, there will be no immediate curtailment of State program grants or other Federal funds. In fact, I do not expect major disruptions of industrial or State activities where States are making reasonable and expeditious efforts toward submitting an approvable State Implementation Plan revision.

This memorandum sets forth Agency policy and procedures regarding the July 1, 1979 sanctions. Three main topics are addressed: Construction Prohibitions (permit processing, sources affected and geographic applicability); SIP Approvals (area specific approval, conditional approval, and area redesignation); and Federal Funding Sanctions (discretionary aspects).

Summary

The imposition of the Clean Air Act sanctions depends on whether by July 1, 1979, a State has an approved State Implementation Plan that meets the requirements of Part D of the Act. The first step in this SIP approval process involves State development and submission of a State plan. The EPA Regional Office then evaluates the submitted plan and publishes in the Federal Register a proposal for final action on the State plan. This starts a 30-to-60-day period for public comment. After reviewing the comments, the EPA Administrator will take final action. Final action will consist of one or a combination of the following actions: approval of the nonattainment plan as a whole, approval of the plan for specific areas, conditional approval of the plan, disapproval of the plan as a whole, or disapproval for specific areas. Most States will not have final approvals on July 1. However, although the areas subject to sanctions are defined based on their status on July 1, the impact of the sanctions in those areas is not immediate.

The Act establishes two kinds of sanctions--new major source construction sanctions and funding sanctions for Federal programs and facilities. The construction prohibition sanction becomes applicable on July 1, and remains in effect until a final Federal Register notice is issued approving or conditionally approving the SIP for the area in question. The construction prohibition applies only to permits applied for after June 30, 1979. Because a typical permit requires approximately three months for processing, it is unlikely that this sanction would have any impact until September or October 1979. Also, although the administrative process for Federal funding sanctions must begin on July 1 for the Section 176 transportation and air pollution control related funds, actual withholding will not occur for at least two to four months after July 1. Any discretionary withholding of sewage treatment construction funds under Section 316 will not occur for at least the same length of time.

Construction Prohibitions

The Clean Air Act's prohibition against construction applies to a major new or modified source for which a complete permit application is submitted to the permit review agency after June 30, 1979. Therefore, any complete permit application postmarked or received on or before June 30, 1979 will not be subject to any construction prohibition.* The permit review agency may process all such permit applications received on or before June 30, 1979. No source which receives such a permit and which commences on a program of continuous construction will be subject to the construction sanction.

After June 30, 1979, sources may continue to submit New Source Review permit applications to the permit review agency. The submission of a permit application will enable the review agency to process the permit so that administrative time is not lost while a State nonattainment plan is being reviewed. Because the administrative time for reviewing a major source can take three months or longer, in many cases, we expect to have SIPs approved by the time the major source permit would itself be ready for approval. If any State intends to issue a permit to a source to which the construction prohibition applies, the permit must contain a condition which prohibits construction until SIP approval is obtained. For a source to be able to construct as soon as a SIP is approved, the permit conditions would have to be consistent with the requirements that are eventually approved in the SIP.

The EPA Regional Offices will continue to process and issue PSD permits (under 40 CFR 52.21, Regulations for the Prevention of Significant Deterioration of Air Quality) even while awaiting receipt or approval of nonattainment SIP revisions. A PSD permit is required whenever a major

---

* When an applicant can show a reasonable and good faith effort to submit all information necessary for permit issuance, the permitting authority may consider a substantially complete permit application as adequate to avoid the prohibition against construction.

source, (defined for PSD purposes at 40 CFR 52.21(b)), impacts an area with air quality better than NAAQS. This affects sources both inside and outside designated nonattainment areas. When a PSD source will be subject to the Part D prohibition against construction the EPA-issued PSD permit will be conditional. A permit condition will be included which will make the following statement:

> This source will significantly impact a nonattainment problem in an area currently designated as violating the National Ambient Air Quality Standard for _____, and for which the Clean Air Act currently prohibits construction of this source until a State submits and receives approval of a State Implementation Plan which meets the requirements of Part D of the Act. This permit is issued conditional on your receipt of an appropriate State permit issued pursuant to regulations approved by the Administrator as meeting the requirements of Part D of the Clean Air Act. Source construction is prohibited until the State Implementation Plan is approved by the Administrator as meeting such requirements for the nonattainment area that this source will impact. You will be notified by mail when the necessary State regulations have been approved.

The construction prohibition applies only to major sources as defined in Section 302 of the Act. Smaller sources are not affected. Furthermore, the construction prohibition applies only to a source that would be a major source or major modification for the specific pollutant for which the area was designated as a nonattainment area and for which the plan remains inadequate. For instance, a new plant which is a major source of particulate matter only and which proposes to construct in a designated sulfur dioxide nonattainment area is not affected by the construction prohibition.

The construction prohibition affects any major new or modified source that would cause or contribute to a National Ambient Air Quality Standard violation in the designated nonattainment area within the State in which the source proposes to locate. EPA believes that this prohibition applies, as a matter of law, to sources whose permits are applied for after June 30, 1979. The Administrator is expected to publish a ruling to this effect in the Federal Register in the near future. A major source that would cause a new NAAQS violation outside of a designated nonattainment area or that would significantly contribute to a NAAQS violation only in another State is subject to the Offset Interpretative Ruling of January 16, 1979 (44 FR 3274) but is not subject to a construction prohibition.

The Agency intends to propose, in the Federal Register, that the Part D prohibition on construction should apply equally for sources outside designated nonattainment areas as it applies to a major source locating inside a designated nonattainment area. EPA will also propose that only sources with a significant impact on a violation be subject to the construction prohibition. A source will generally be considered to contribute significantly to a NAAQS violation if its modeled impacts exceed the significance levels found in the Offset Interpretative Ruling of January 16, 1979 (44 FR 3274, at 3283). However, any major source of a designated nonattainment pollutant that proposes to locate at a site already violating NAAQS within the designated nonattainment area is presumed to contribute significantly to the violation without regard to modeled impacts. The rule would be proposed to apply to a new or modified source if the permit application for the source is submitted after June 30, 1979. The construction prohibition would apply to any major source outside a designated nonattainment area if the source would significantly contribute to a NAAQS violation within a designated nonattainment area.

State Implementation Plan Approvals

Source specific and area specific impacts of the Part D sanctions are discussed above. This next section addresses Federal Register actions that alleviate sanction imposition: area specific SIP approvals, conditional SIP approvals, and nonattainment area redesignations. First, however, a summary of relevant Federal Register actions is appropriate.

A list of nonattainment areas was published March 3, 1978 in the Federal Register (43 FR 8962). A number of modifications have been made or proposed for changes to the initial listing. SIP approvability guidance was published in the Federal Register on May 19, 1978 (43 FR 21673) and February 9, 1979 (44 FR 8311). The General Preamble for proposed rulemaking on the approval of plan revisions for nonattainment areas was published April 4, 1979 (44 FR 20372).

Once a State plan for a designated nonattainment area is approved as meeting Part D requirements, the construction or funding sanctions that would or may have taken effect after June 30, 1979 no longer apply. The Agency will approve SIP revisions for any portion of the State or nonattainment area where the revisions meet the requirements of Part D of the Act. Thus, a State plan submission for several designated nonattainment areas may be approved while plan development or

approval may still be underway for other areas. This would in effect be an area specific approval of the SIP, as revisions for other areas would remain necessary. Sanctions would only affect those areas for which the plan remains inadequate. Thus, if there are three designated SO_2 nonattainment areas and SIP revisions are approved for two, the Part D sanctions apply only with regard to the remaining nonattainment area.

Where appropriate, the Agency intends to grant conditional approvals of SIP revisions. A SIP containing minor deficiencies will be approved on the condition that the State submit corrections by a specified date. A conditional approval would not result in sanctions unless the State failed to submit corrections by the specified date, or unless the corrections were ultimately determined to be inadequate. However, proposing in the Federal Register to conditionally approve a SIP does not act to alleviate Part D sanctions. The required imposition of Part D sanctions ends only with final SIP approval or conditional approval. Conditional approval will not be granted without strong assurance by the appropriate State officials that the deficiences will be corrected. The form of this assurance may vary from State to State, but it must nevertheless represent a commitment on the part of the State. A conditional approval will require specific schedules for correcting deficiences.

Another mechanism that would act to alleviate the Part D sanctions is that of revising a previous designation of nonattainment. In developing a SIP revision for a designated nonattainment area, the State may determine that the existing designation is inappropriate. If this occurs, the State may submit to EPA a revised designation with supporting material. Until EPA finds the revised designation acceptable and promulgates it, the July 1 deadline for approval of a SIP revision satisfying Part D, and the attendant sanctions, will continue to apply. However, the SIP submittal may simply demonstrate that the standard is attained and that no additional emission reductions or preconstruction review requirements need to be included in the SIP. Also, a source is exempt if in fact it would not cause or contribute to a violation, regardless of the applicable designation.

Federal Funding Sanctions

Air pollution control program grants, Federal highway funds, and wastewater treatment facility grants do not immediately stop as of July 1, 1979, where nonattainment SIP revisions have not been approved. Required and authorized restrictions on grants and funds where SIPs are inadequate are found in Sections 176(a) and 316 of the Act.

Federal funding limitations required by Section 176(a) will only be applied if the EPA finds after July 1, 1979, that the Governor has not submitted, or is not making reasonable efforts to submit, a SIP which considers each of the elements required by Section 172 of the Act. The EPA is authorized to make the same finding with respect to the 1982 SIP revisions required in areas that cannot attain National Ambient Air Quality Standards by 1982. In cases where a finding is made by EPA, project approvals and grants authorized by Title 23 (Highways), United States Code, and the Clean Air Act must be withheld from air quality control regions where transportation control measures are needed to attain NAAQS. An exception to this Federal assistance limitation is that safety, mass transit, and transportation improvement projects related to air quality attainment or maintenance may be approved and funded.

EPA and the Department of Transportation (DOT) are preparing a Federal Register notice proposing policy and procedures for applying Federal assistance limitations in Section 176(a). Public comment will be invited and considered in finalizing the policy. EPA will propose to make case-by-case determinations of good faith efforts based on the State's efforts to submit a SIP satisfying pertinent guidance issued by EPA. Negotiations with affected State and local agencies will precede any decision to apply funding limitations. EPA intends to propose initial Section 176(a) findings between September 1 and October 31, 1979 in the Federal Register and invite public comment prior to promulgating a final list of affected areas. However, the funding limitations would be effective on the date of publication of the proposed list. Removal of funding limitations will also be done through Federal Register publication and an opportunity for public comment will be provided prior to final action.

Section 316 of the Act provides that the Administrator may condition, restrict or withhold EPA grants for the construction of sewage treatment works in any area where a SIP has not been approved or where the SIP does not account for the direct or indirect emissions from the treatment works. Unlike the new source construction prohibition, the implementation of any action pursuant to Section 316 is not mandatory on July 1, but is at the discretion of the Administrator. EPA is preparing a Federal Register notice inviting public comment on the development of an administrative mechanism to implement the provisions of Section 316. The interim policy for the implementation of Section 316, while revisions to existing construction grant regulations are being completed, will be proposed in July. Further guidance on this matter will be forthcoming in the next several weeks.

Any decision to stop grant funding under any provision of the Act will be made only after coordination among the Regional Office, Headquarters, and affected State and local agencies.

Federal Register Notice

In order to assure thorough dissemination of Agency policy and procedures regarding the requirements and impacts of Part D of the Act, I am having this memorandum published in the Federal Register.

cc: The Administrator
M. Durning
J. Bernstein
W. Barber
Director, Air & Hazardous Materials Division, Regions IX

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 301
UPDATE NUMBER 8
(VOLUME 1)

** CLEAN AIR ACT SECTION 301

* DOCUMENT NUMBER: PN301-81-01-20-001
IMPLEMENTATION OF THE REGIONAL CONSISTENCY REGULATIONS

PN-301-81-1-20-001

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Research Triangle Park, North Carolina 27711

DATE

SUBJECT: Implementation of the Regional Consistency Regulations

FROM: Walter C. Barber, Director
Office of Air Quality Planning and Standards (MD 10)

TO: Addressees

This is to relate our interpretation of actions EPA must perform to implement the Regional Consistency Regulations required by the Clean Air Act. The Administrator promulgated these regulations on December 24, 1980; they will become effective on February 23, 1981. Attached is a copy of the regulations. They formalize EPA's commitment to Regional Consistency, and specify procedures for Regional and Headquarters cooperation to achieve a more consistent national implementation of the Clean Air Act. The major provisions of the regulations that require action by EPA elements are discussed below:

1. Mechanisms for fairness and uniformity--Responsibilities of Headquarters employees (§56.4). This section requires that any rule or regulation proposed or promulgated under Parts 51 and 58 must provide mechanisms for fairness and uniformity. If a mechanism is not included, it must be explained in the preamble or relevant docket. Since the regulation is effective February 23, 1981, EPA has time to begin incorporating appropriate mechanisms into regulations under development. Mechanisms may include administrative procedures (including workshops), guidelines, manuals or written statements. Thus, this portion of the regulations requires Headquarters Offices (OANR, OGC, and OPM) to develop appropriate mechanisms for use by the Regional Offices.

2. Mechanisms for fairness and uniformity--Responsibilities of Regional Office employees (§56.5). In Section §56.5, EPA promises to carry out the Clean Air Act fairly and consistently. This section requires Regional Offices to seek concurrence from appropriate EPA Headquarters Offices on interpretations of the Act, rules, regulations, or program directives when such interpretations may result in inconsistent applications. In addition, this section states, "Where regulatory actions may involve inconsistent application of the requirements of the Act, the Regional Offices shall classify such actions as special action." We are currently revising the SIP processing guideline entitled "Revisions to State Implementation Plans--Procedures for Approval/Disapproval Actions," OAQPS No. 1.2-005A, to incorporate this requirement. The Regional Offices will determine when to seek concurrences or use the special action classification for these situations. At present, we do not envision formal procedures to record how the Regional Offices implement these requirements. Dr. Bern Steigerwald, Director of my Regional Programs staff, will monitor this requirement.

3. Dissemination of policy and guidance (§56.6). This section requires the Assistant Administrators of the Offices of Air, Noise, and Radiation; Enforcement; and the General Counsel to develop by February 23, 1982, systems for disseminating policy and guidance. OANR has prepared an "Air Programs Policy and Guidance Notebook" to meet its portion of this requirement. OANR sends the Notebook, along with periodic updates to EPA Headquarters, Regional Offices, and State and local agencies. For additional information on this notebook, please contact Bruce Hogarth at (FTS) 629-5437. Enforcement and OGC may wish to consider a similar system to meet their responsibilities under the regulations.

4. State agency performance audits (§56.7). This section requires Regional Administrators to make evaluation reports required by §35.538 of the Program Grants regulations available to the public. They must be made available within 60 days after comment is due from each State. Section 35.538-2 states that "no later than 150 days prior to the beginning of a new budget period...", the evaluation report must be prepared, and forwarded to the grantee, who has 15 days to reply. Thus, if the evaluation report reaches the grantee on May 1 (150 days before October 1) the notice of availability of the evaluation report must appear in the Federal Register by July 15. It is apparent that provisions for such a system should be integrated with the State-EPA agreements and grant negotiation and cannot reasonably be initiated mid-way through the year. Therefore, this portion of the consistency regulations will begin with the current planning cycle, and the first evaluation reports will be made available to the public on July 15, 1982.

Of these four provisions, the evaluation report will require the most additional effort by the Regions and changes to existing procedures. The consistency regulations have been designed to build on what is currently being done in an attempt to minimize new efforts. The workload models for FY 1982 are being modified to recognize the additional resources needed to implement the consistency regulations.

We are aware that all the Regional Offices conduct evaluations of State programs. However, there is little uniformity in coverage or in how these evaluations are documented and generally no notice of availability to the general public. In addition to the current reports, it probably will be necessary to undertake an in-depth consistency review in one or two program areas. It is my intention to select areas that already require strong EPA overview and, therefore, should have information systems in place and Regional resources already devoted to it. For FY 1982, consideration is being given to detailed evaluation reports on new source review and major source enforcement to augment the regular program evaluation made under the grant regulations.

I would appreciate your ideas for implementing these regulations. We will be contacting Headquarters groups within the next few weeks to

discuss with you the provisions for information dissemination and mechanisms for fairness and uniformity. Later we will contact the Regions in order to determine a final course of action on the performance audits of State agencies and the guidance necessary to implement it in FY 1982. If you have any questions, please contact Joseph Sableski of my staff at (FTS) 629-5437.

Attachment

Addressees:

Regional Administrator, Regions I-X
Director, Air & Hazardous Materials Division, Regions I-X
The General Counsel
Assistant Administrator for Enforcement

cc: Ed Tuerk, OANR
John Hidinger, OTLUP
Henry Beal, OPM
Tom Helms, CPDD
Brenda Greene, ORL
Don Goodwin, ESED
Joseph Padgett, SASD
Richard Rhoads, MDAD
Darryl Tyler, CPDD
Deborah Taylor, OPM
Joseph Sableski, CPDD

Section 406: Savings Provision; Effective Dates

PN406-78-04-28-001
MAINTENANCE OF PAY REQUIREMENTS

U.S. Environmental Protection Agency
Region V, Library
230 South Dearborn Street
Chicago, Illinois 60604

Section 320: Standardized Air Quality Modeling

PN320-82-04-01-001
LETTER TO SHELL OIL COMPANY CONCERNING STACK HEIGHT REGULATIONS

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 126
(VOLUME 1)

** CLEAN AIR ACT SECTION 126

* PN126-78-03-16-001
OUT OF STATE SOURCES EFFECT ON IMPLEMENTATION PLAN REVISION

MAR 3 1978

Out-of-State Sources Effect on
Implementation Plan Revision

PN-126-78-03-16-001

Richard G. Rhoads, Director
Control Programs Development Division

Director, Air and Hazardous Materials Division, Regions I, III-X
Director, Environmental Programs Division, Region II

A question has been raised concerning what constitutes an adequate control strategy determination and how this impacts on regional consistency in evalusting State implementation plan (SIP) revisions. It will be assumed for the purpose of SIP development and evaluation that sources in neighboring States are in compliance with appropriate emission limitations and ambient standards will be achieved as required. Accordingly, States should develop their plans and EPA should evaluate these plans based on presumed compliance of sources in neighboring States. Should it be determined that sources are not in compliance, then appropriate enforcement action should be initiated against noncomplying sources.

We believe that a "presumed compliance policy" is a fair assumption and will encourage regional consistency in the SIP process. If you have an objection to this approach or wish to propose an alternative approach, please advise me.

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
DOCUMENT TITLE LISTING FOR CAA SECTION 169A
(VOLUME 1)

** CLEAN AIR ACT SECTION 169A

* PN169A-85-03-25-001
VISIBILITY MONITORING STRATEGY REQUIREMENTS

AIR PROGRAMS POLICY AND GUIDANCE NOTEBOOK
TABLE OF CONTENTS
VOLUME 1

INTRODUCTION
TABLE OF CONTENTS
SUBJECT INDEX

CAA SECTION	TITLE
107	Air Quality Control Regions
110	Implementation Plans
111(d)	Standards of Performance for Existing Sources
111(e)	New Source Performance Standards Enforcement
112	National Emission Standards for Hazardous Air Pollutants
113	Federal Enforcement
114	Inspections, Monitoring, and Entry
115	International Air Pollution
120	Noncompliance Penalty
123	Stack Heights
124	Assurance of Adequacy of State Plans
126	Interstate Pollution Abatement
129	Nonattainment Areas
165	Preconstruction Requirements
167	PSD Enforcement
169A	Visibility Protection
172	Nonattainment Plan Provisions
175	Grants
176	Limitations on Certain Federal Assistance
301	Administration