



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

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 additional 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.


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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