

Control Number: A059 (EPA Applicability Determination Index)

Category: NSPS
Region: DSSE
Date: 08/20/1980
Title: Performance Testing Requirements
Recipient: Jacobs, Louise
Author: Reich, Edward E.

* Comments: See also memo dated June 6, 1990 from William *
* Laxton for John Seitz in OAQPS on rounding *
* significant figures for an update. *

Subparts: Part 60 A General Provisions
References: 60.8(b)

Abstract:

a) Where the performance standard is stated in two significant digits (e.g., 0.04 gr/dacf), what procedures are to be applied by the region in determining compliance when the test results are stated in terms of three significant digits?

b) What discretion do the regions and delegated states have in waiving testing requirements? Can tests be waived based on an agreement by the source to conduct annual leak checks or other O&M practices?

c) Does the region have the authority to allow the state to waive the specific stack test for the asphalt plant in Geneva, NE?

a) Legally, anything greater than 0.04 is a violation (e.g., 0.0401). However, most engineers tend to round off results and therefore 0.044 would be reported as .04 and .045 would be reported as .05. A better guide would be that anything showing greater than a 10% excess is worth considering for enforcement action.

b) Regions have authority to waive performance tests or (in this case) a retest providing they obtain assurances from DSSE that the waiver is consistent with national policy. Delegated states cannot unilaterally waive performance tests.

c) Yes, see above. As a policy matter, stack tests should only be waived in compelling circumstances. In this case the question is whether the stack test, already performed, coupled with certain other actions, can support a finding the standard will be met, thus obviating the need for a retest. These other actions should include documentation by a competent engineer that the cause for any excess emissions has been eliminated, and it can reasonably be said that a retest would show compliance.

Letter:

Control Number: A059

August 20 1980

MEMORANDUM

SUBJECT: NSPS Performance Testing Requirements

FROM: Director, DSSE

TO: Louise Jacobs, Director
Enforcement Division, Region VII

This is in response to your July 21, 1980, memo concerning performance testing requirements for an asphalt plant located in Geneva, Nebraska. This will confirm a preliminary decision concerning this issue reached during a July 22, 1980, telephone conversation between Robert Myers of my staff and Peter Culver of your staff.

The case involves a Cedar Rapids model G-40 asphalt concrete plant compliance-tested during the fall of 1979. Results showed an emission rate of 0.048 gr/dscf, as compared with the allowable limit of 0.04 gr/dscf. A check of the control device revealed a series of bag and seal leaks. You believe that repair of these would enable the plant to easily comply with the standard. Nebraska, which has been delegated NSPS, determined it would not require a retest if annual bag inspections are conducted, but would retest if stack opacity is observed at or above 10 percent. The NSPS allows for an opacity of less than 20 percent.

You are sympathetic with the position taken by Nebraska, and have also obtained informal agreement from Kirk Foster of our Technical Support Branch. We concur in this approach, but wish to emphasize that such concurrence is dependent upon your possession of documentation as discussed below showing that bag repairs should allow the standard to be met.

This documentation should be in the form of written statement by a competent engineer, that in his or her best engineering judgement, the holes and leaks uncovered were the reason why the standard was exceeded. The statement should also say that when the problems are corrected, the source should be well within the emission limit. (See Item 3 below.)

Specific responses follow to the three issues raised in your memo.

1) Where the performance standard is stated in two significant digits (e.g., 0.04 gr/dscf), what procedures are to be applied by the region in determining compliance when the test results are stated in terms of three significant digits (e.g., 0.044 gr/dscf)?

As a legal matter, anything greater than 0.04 is a violation (e.g., 0.0401). However, since the third digit was not established, most engineers in reporting results would tend to round off and therefore 0.044 would be reported as .04 and 0.045 would be reported as 0.05. A better guide would be that anything showing greater than a ten percent excess is worth considering for enforcement action.

2) What discretion do the regions or delegated states have in waiving testing requirements in cases such as the one described relative to the asphalt plant in Geneva? Can the tests be waived based on an agreement by the source to conduct annual leak check tests or perform other O & M practices?

Delegated states cannot unilaterally waive performance test requirements. The regional offices, under 160.8(b), have authority to waive performance tests, providing they obtain assurances from DSSE that the waiver is consistent with national policy. In this particular case a test was performed, and the issue is whether a retest should be required, considering the circumstances of excess and the corrections that were made.

3) Does Region VII have the authority to allow the state to waive the specific stack test required to demonstrate compliance relative to the asphalt plant located in Geneva, Nebraska?

Region VII has the authority to waive the stack test required for the asphalt plant in Geneva, Nebraska, provided prior approval is obtained from DSSE to insure that such a waiver is consistent with national policy. As a policy matter, however, we do not want to waive stack tests except in compelling circumstances. In this case, the question is somewhat different since a stack test was performed and the question is whether that stack test coupled with certain other actions can support a finding that the standard will be met, thus obviating the need for further testing. The following rationale can support a conclusion that the standard will be met:

a) The performance test was conducted and showed a 20 percent excess. These excesses were found to be the result of poor maintenance of the control device.

b) The leaks were corrected by the source as demonstrated by the leak test, and the source has agreed to continue these checks periodically and meet a more stringent opacity test.

c) A competent engineer judged that the excess was caused by the leaks, and the standard will be met when the leaks are corrected. This engineering documentation shall be retained in your files, as confirmation that a retest is unnecessary because it can reasonably be said that such a retest would show compliance.

If you have any additional questions or concerns, please contact Robert Myers of my staff at FTS 755-2564.

Sincerely yours,
Edward E. Reich, Director
Division of Stationary Source Enforcement

cc: Mike Sanderson
Peter Culver
Kirk Foster
Earl Salo

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