

NACAA Members
Compliance Monitoring Strategy Comments
November 18, 2013

The following are the comments NACAA received in response to a request to the members of NACAA to review EPA’s draft revised Clean Air Act Stationary Source Compliance Monitoring Strategy (October 2013):

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At the first quick review of the proposed revision, I had one question so far.

In section IV. SCOPE OF POLICY, first bullet, first paragraph, they state that the CMS policy is focused on “...the following source categories: (1) **Title V major sources**; and (2) synthetic minor sources that emit or have the potential to emit at or above 80 percent of the Title V major source threshold (**SM-80s**). “

And again in section VI. CLEAN AIR ACT COMPLIANCE AND ENFORCEMENT PROGRAM EVALUATION FREQUENCIES: first bullet,
“As stated above (Section IV), state/local/tribal agencies may perform additional compliance monitoring activities beyond those addressed by this policy. However, this policy focuses on federally enforceable requirements for Title V major sources and SM-80s.”

However, in section VIII. ELEMENTS OF THE CMS PLAN, fourth bullet, item 2 , they indicate “...(2) A facility-specific list (including the AFS identification numbers) of all synthetic minor sources and a list of those facilities covered by the policy. ...”

My question is this, only Title V source and (ONLY) SM-80 sources or (ALL) synthetic minor sources?

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The changes concerning the need for an on-site compliance evaluation conducted by an “authorized” inspector should be rejected. EPA’s definition of “authorized” does not translate to the training and qualifications of inspectors in the state of Washington. Reference to an

“authorized” inspector, with the reference to the EPA training and credential requirements, should be removed.

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Below are South Carolina's comments/questions on the revised CMS Policy:

1) Will EPA be requiring states to provide educational/training credentials for its inspectors to satisfy the "authorized inspector" portion of the CMS?

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The area of particular concern is on Page 7 and states the following:

An on-site FCE must be conducted by an authorized inspector (consistent with federal, state, or tribal authority). 1. An authorized inspector may include an approved third party. 2. An off-site FCE must be conducted by an authorized inspector or other credible regulator (e.g. and individual with sufficient knowledge, training, and experience to assess compliance).

An on-site PCE must be conducted by an authorized inspector (consistent with federal, state, or tribal authority). 1. An authorized inspector may include an approved third party. 2. An off-site FCE must be conducted by an authorized inspector or other credible regulator (e.g. and individual with sufficient knowledge, training, and experience to assess compliance).

The draft document goes on to explain the training requirements for EPA employees and individuals authorized to conduct evaluations on behalf of EPA, which would include states with delegated major source programs. The referred to requirements in the footnotes differ from the training and qualifications of inspectors in the state of Washington.

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Based on my cursory review, some clarification may be necessary regarding the updates indicating FCEs and PCEs must be performed by authorized inspectors (see highlights on last paragraphs of V.1 and V.2 [see below]). Is this authorization only for EPA and its contractors, or must state/local/tribal inspectors meet the same requirements? If the latter, the review of qualifications and related training necessary to demonstrate our staff can check all the boxes to meet the requirements may have a significant resource impacts as well as affect our ability to meet the frequencies laid out in the CMS. I'll assume Virginia is not alone with this concern, but if you don't hear it elsewhere, please consider this when compiling what you receive.

V.1

An on-site FCE must be conducted by an authorized inspector (consistent with appropriate federal, state, or tribal authority). An authorized inspector may include an approved third party. An off-site FCE must be conducted by an authorized inspector or other credible regulator (e.g., an individual with sufficient knowledge, training, or experience to assess compliance).

V.2

PCEs are generally less time-consuming and resource-intensive than FCEs in that they are targeted evaluations used to assess compliance with targeted programs, standards, and processes. As a result, PCEs can be a useful tool in screening for and identifying non-compliance in a cost-effective manner.

An on-site PCE must be conducted by an authorized inspector (consistent with appropriate federal, state, or tribal authority). An authorized inspector may include an approved third party. An off-site PCE must be conducted by an authorized inspector or other credible regulator (e.g., an individual with sufficient knowledge, training, or experience to assess compliance).

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