

Startup, Shutdown, and Malfunction (SSM) Plans – An Overview

Summary

- SSM plans created in original Part 63 General Provisions to assist sources and permitting authorities to meet obligations during periods of SSM.
- Part 63 General Provisions amended April 20, 2006, to revise certain aspects of SSM plan provisions.
- Amendments change little from a practical standpoint what must be done during SSM

Why Have SSM Plans?

- “General duty” clause in Part 60 NSPS and Part 63 NESHAP: minimize emissions at all times, even during periods of SSM
- Issues arose in NSPS enforcement of “general duty” provisions during SSM due to vagueness in implementation
- Attempt to “fix” or at least mitigate such issues in NESHAP by requiring SSM plans
- Developing and following SSM plans became the “standard” during SSM periods in NESHAP, i.e., an easier way to enforce the “general duty” clause

What Are SSM Plans?

- Document prepared by the source that details what the source will do to minimize emissions during SSM
- Source-specific -- Depending on the source, plans can vary widely (size, detail, scenarios, etc.)
- Can be stand-alone document or reference other operating manuals maintained by the source
- Can contain confidential business information

Litigation

- EarthJustice petition to reconsider and review 2006 GP amendments over public access to SSM plans
- We denied petition to reconsider Apr 2007
- Sierra Club brief filed Oct 2007
 - EPA has exempted sources from meeting standards during SSM
 - EPA has exempted sources from developing and implementing SSM plans

Current SSM Rule Requirements For Sources

- Sources must minimize emissions during SSM – the basic requirement; we are not exempting anyone from minimizing emissions
- Sources must develop an SSM plan
- Sources need not adhere to the SSM plan, but must still minimize emissions
- Sources must report whether or not they followed their SSM plan
- If sources did not follow their SSM plan they must report what actions they followed
- If SSM plan not followed, sources must report “immediately” (within 2 days); otherwise, in semiannual report
- Must provide a copy of the plan to the permitting authority when requested

SSM Requirements for Permitting Authorities

- Determine whether or not emissions were minimized during SSM (no change from before amendments)
- May request an SSM plan from any source at any time for any reason (no change from before amendments)
- If SSM plan appears to be inadequate, require corrective changes (no change from before amendments)

So What Did The Amendments Change?

- Sources are not required to follow their SSM plan, but must still minimize emissions during SSM
- Permitting authorities are not required to request a copy of the plan from the sources if a member of the public requests it
- Sources must detail what they did to minimize emissions if they did not follow their SSM plan

What Are The Practical Implications?

- Sources must still minimize emissions (no change)
- If sources don't follow their plan, they must explain in a report what they did within 2 days (no change)
- Sources don't get "dinged" if they don't follow their plan (eliminates a "checkbox" requirement)
- Permitting authorities are not required to ask a source for a copy of their SSM plan if a member of the public requests, but they can if they want to
- Bottom line—very little difference from pre-amendment implementation