



National Stack Testing Guidance

2007 U.S. EPA Measurements
Conference

Raleigh, North Carolina
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GOALS



- ◆ Address EPA Inspector General Concerns
- ◆ Improve Uniformity In How Tests Are Conducted
- ◆ Improve Coordination
- ◆ Enhance Oversight



MAJOR ISSUES ADDRESSED BY GUIDANCE

- ◆ Time Frame
- ◆ Waivers
- ◆ Notification
- ◆ Observation
- ◆ Representative Testing Conditions
- ◆ Stoppages
- ◆ Postponements
- ◆ Test Reports



WHERE WE ARE

- ◆ Issued Interim Guidance On February 2, 2004
- ◆ Received Positive State/Local Agency Feedback
- ◆ Received Generally Critical Industry Feedback And A Legal Challenge Was Filed
- ◆ Revised Guidance As Necessary Based Upon Evaluation And Comments Received
- ◆ Issued Final Guidance On September 30, 2005
- ◆ Subsequent Rulemaking To Allow For Extension To Testing Deadline In The Event Of Force Majeure
- ◆ Planning To Update Guidance Consistent With Force Majeure Rulemaking



DEFINITION



- ◆ Definition And “Scope Of Guidance” Sections Clarify Guidance Applies Only To Tests Conducted For Compliance Purposes, Under NSPS, NESHAP And MACT Programs:

Any Performance Testing Conducted For The Purposes Of Determining And Demonstrating Compliance With The Applicable Standards Of 40 CFR Parts 60, 61, And 63 Using Promulgated Test Methods, Other Test Methods Or Procedures Cited In The Applicable Subpart(s), Or Alternative Test Methods Approved By The Administrator Under §§60.8, 61.13, or 63.7. It Does Not Include Visible Emission Observation Testing.



CMS AND HPV POLICIES



- ◆ The Guidance Summarizes And Merely Restates Existing Applicable Provisions In These Policies



TIME FRAME

- ◆ Current Regulations Do Not Provide For Extensions of Test Deadlines, Except In The Event Of A Force Majeure
 - Violation Of Requirement To Stack Test
 - Violation Of Requirement To Demonstrate Compliance With Underlying Standard
- ◆ Failure To Conduct Test Established In Permit Or Enforcement Document
 - Violation Of Permit Or Enforcement Document
 - May Be A Violation Of Underlying Requirement
- ◆ Concern Expressed That Only Way To Grant Additional Time To Test Is Through Formal Enforcement Action Regardless Of Circumstances

TIME FRAME (Cont.)

- ◆ Guidance Takes Into Account Inability To Meet Regulatory Testing Deadlines Due To Circumstances Beyond Facilities' Control
- ◆ Currently, Four Scenarios For How Delegated Agencies Should Respond To Facilities Not Testing By Deadline
 - Scenarios Range From “Force Majeure Events” Beyond Control Of Facility To Those Instances Where The Facility Knowingly and Willfully Violates Test Requirement
 - Prior To Rulemaking Allowing For Extension In The Event Of A Force Majeure, Delegated Agency Was To Use Enforcement Discretion By Issuing Letter (Versus A Formal AO) Acknowledging Circumstances And Establishing New Test Date



FORCE MAJEURE EVENT

- ◆ Subsequent To Issuance of Final Guidance, Parts 60, 61, and 63 Of The General Provisions And Part 65 (Consolidated Federal Air Rule) Amended
 - Allow An Extension Of The Deadline By Which Source Owners Or Operators Are Required To Conduct An Initial Or Subsequent Test Required By Applicable Regulations In The Event Of A Force Majeure
 - Regulations Should Allow Extensions When There Are Force Majeure Circumstances So That Facility Is Not In Technical Violation And Formally Out Of Compliance
 - Agencies Should Not Have To Resort To Enforcement Discretion To Extend Deadline Under Such Circumstances
- ◆ Guidance Will Be Updated Consistent With The Rulemaking



WAIVERS FOR IDENTICAL UNITS

- ◆ Text Includes Pertinent Regulatory References
- ◆ Criteria For Determining When Stack Tests For Identical Units May Be Waived
- ◆ Concept That Margin Of Compliance May Not Have To Be Significant Where The Emissions Variability of Identical Units Is Low



NOTIFICATION



- ◆ Text Clarifies That Notification Is Not Necessary If Test Is Outside Scope Of Guidance, Unless Potential For Applicable Limits To Be Exceeded
- ◆ Clarifying Language On Submitting Site-Specific Test Plans And The Contents Of Such Plans



REPRESENTATIVE TESTING CONDITIONS



- ◆ Guidance Reinforces Agency Position That The CAA Requires Continuous Compliance With Emissions Limits Except Where Explicitly Excused
- ◆ Tests Should Be Performed Under Those Representative Conditions That:
 - Represent The Range Of Combined Process And Control Measure Conditions Under Which The Facility Expects To Operate (Regardless Of The Frequency Of The Conditions)
 - Are Likely To Most Challenge The Emissions Control Measures Of The Facility With Regard To Meeting The Applicable Emission Standards, But Without Creating An Unsafe Condition



SOOT-BLOWING



- ◆ Guidance Consistent With And Relies Upon Past Agency Position For Including Soot-Blowing
- ◆ Guidance Continues To State That Emissions From Soot-Blowing Cannot Be Discarded As Being The Result Of An Upset Condition, And It Would Be Erroneous To Stop Soot-Blowing For The Purpose Of Conducting A Stack Test



STOPPAGES



- ◆ Text Provided To Account For A Force Majeure Event
 - Currently, Guidance States That If Facility Unable To Reschedule Test Prior To Regulatory Deadline, Delegated Agency Should Use Enforcement Discretion To Issue Letter Acknowledging Circumstances And Establishing New Test Date
- ◆ Guidance Will Be Updated Consistent With Subsequent Rulemaking



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[monitoring/caa/stacktesting.pdf](http://www.epa.gov/Compliance/resources/policies/monitoring/caa/stacktesting.pdf)