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VOC600609781

Category: 60 – SIPs (VOC RACT Plans)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

DATE: June 9, 1978

SUBJECT: VOC RACT Regulations and Presumptive Numbers (Your Memo of May)

FROM: Walter C. Barber, Director
Office of Air Quality Planning and Standards

TO: Dorothy Attermeyer, Asst. Regional Counsel
EPA Region V

We agree with you that the drafting of a regulation for VOC that will get all reasonable controls in a wide variety of situations is difficult and your insights and suggestions are appreciated.

Because it is difficult, or because of ignorance of EPA policy, there remains a concern that States will simply use the tough presumptive numbers contained in the CTG documents without appropriate qualifications and procedures for relief. This would lead to unachievable emission limits for some sources. However, it would be equally unfortunate if the wording of the regulations or the procedures selected were voided for vagueness, did not result in maximum reasonable control, or lead to a large number of future SIP revisions.

Your suggestion seems good. The proposed regs would contain the presumptive numbers along with a carefully worded policy statement on RACT which recognizes the need for some exceptions. The final promulgation and submission to EPA would then be a mix of emission limits based mainly on the presumptive numbers with some source specific exceptions.

We hope that you and OGC will continue to involve yourself in the problem of drafting VOC regs based on the proper use of the presumptive numbers.

Attachment

cc: Bob Duprey
John Calcagni
Mike James
Dick Rhoads
Don Goodwin
Bern Steigerwald

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: May 16, 1978

SUBJECT: Your memo dated April 28, 1978 addressed to Robery Duprey

FROM: Dorothy M. Attermeyer, Assistant Regional Counsel

THRU: Thomas F. Harrison, Regional Counsel

TO: Walter C. Barber, Director
Office of Air Quality Planning and Standards, RTP

We were disturbed to read the above-captioned memo. It is next to impossible to include qualifications in regulations that "[control] number[s] may be either too restrictive or too lenient for some facilities"without precipitating a "void for vagueness" criticism in a regulatory context. While your suggestion that a variance procedure be provided in the regulations has been addressed to some extent in 9106, a provision which permits, under certain conditions, the development of alternative control requirements using a modified bubble concept, we would prefer that the interaction of sources and regulators prior to adoption of regulations be encouraged in the context of a proposal of the most stringent control requirements rather than subsequent variances which would necessarily involve SIP revisions.

Ideally, as indicated in your memorandum, there would be no need for 9106because both general and exceptional sources would be addressed in the regulatory development process, i.e., the State would propose regulations containing the presumptive absolute emission limits. Subject sources who deemed themselves exceptional for one reason or another could present alternative controls as part of the public involvement process. The State could then evaluate the alternative strategy and adopt perhaps a general regulation and several source specific regulations, presenting the resulting emission limit mix to EPA for approval in connection with the general SIP revision requirement. In this way, the Administrator would have a total strategy to evaluate rather than a series of disjointed SIP revisions requiring individual evaluation, notice and approval/disapproval.

cc: Robert Duprey, Director, AHMD, Region V
John Calcagni, APB, Region V
Michael James, Office of General Counsel
B. J. Steigerwald, Regional Programs Office, RTP