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Category: 35 - 5% Rule

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

DATE: SEP 27 1979

SUBJECT: Five Percent Equivalency Rule

FROM: G. T. Helms, Chief
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TO: Jack Divita, Chief
Air Programs Branch, AHMD

The purpose of this memorandum is to clarify the method for utilizing the "5 percent" equivalency procedure for approving volatile organic compound (VOC) regulations contained in State Implementation Plans. The basic purpose of the "5 percent" procedure is to provide a mechanism for allowing States flexibility in developing their regulations. It can be employed to justify minor source exemptions or the selection of differing "cut points" for regulatory coverage within a control technique guideline (CTG) category. The procedure cannot be used to justify failure to regulate any specific control technique guideline category, but again only to allow minor deviations within the specific category.

If a State chooses to employ the "5 percent" procedure, we recommend that it be applied on a CTG category basis by determining the total emissions allowed by the CTG presumptive norm and comparing this to the emissions allowed (including exemptions) by the State regulation. If there is less than five percent difference in allowable emissions, the EPA will consider that there is "no substantive difference" between the regulations and will approve the State regulation. For urbanized nonattainment areas, the procedure must be applied on an individual control within a State can be combined for purposes of a showing.

If you have any questions or comments on this approach, please contact Lanny Deal of my staff at 629-5365.