

FACT SHEET

FINAL RULE CONCERNING MONITORING REQUIREMENTS IN CLEAN AIR ACT OPERATING PERMITS

ACTION

- On January 15, 2004, the Environmental Protection Agency (EPA) issued a final rule concerning monitoring requirements for the operating permits programs under title V of the Clean Air Act.
- In September 2002, EPA proposed changes to the so called “umbrella monitoring” rules under the clean air operating permits program.

The umbrella monitoring rules require operating permits to contain monitoring to ensure that a facility is complying with its Clean Air Act requirements.

EPA proposed to use the umbrella monitoring rules to require state and local permitting agencies to review existing monitoring and to enhance inadequate monitoring during the processing of the facility’s permit application.

This would have been an additional requirement, separate from the “periodic monitoring rules,” which also require review and enhancement of monitoring. EPA did not propose to revise the periodic monitoring rules.

- After carefully considering comments received on the proposal, EPA is not making these proposed changes to the umbrella monitoring rules.
- In this final rule, EPA is also revising its interpretation of what the current text of the umbrella monitoring rules require. The final rule clarifies that the umbrella monitoring rules do not establish a separate basis for requiring monitoring that would be different from any monitoring required under the periodic monitoring rules.
- Under EPA’s revised interpretation, an operating permit should first include monitoring as required by existing federal and state air pollution control requirements that apply to the facility – examples include monitoring required by new source performance standards (NSPS), national emission standards for hazardous air pollutants (NESHAP), state implementation plan rules, and EPA’s compliance assurance monitoring rule. Second, the permit should include monitoring required under EPA’s periodic monitoring rules.
- Permitting authorities must complete a review to determine if the monitoring required by the

applicable requirement is “periodic.”. If it is not, they must use EPA’s periodic monitoring rules to fix the problem. In most cases, monitoring in applicable requirements (e.g., NESHAP, NSPS) will be periodic and adequate.

- In this final rule, EPA also is announcing plans for several related actions that will follow. These include:
 - < Guidance associated with EPA’s forthcoming fine particle pollution implementation rule. The guidance will encourage states to improve monitoring requirements in their state implementation plan rules;
 - < An “Advance Notice of Proposed Rulemaking” requesting comment to identify monitoring in federal air pollution control requirements that contains gaps and to identify approaches to fix the gaps; and
 - < A proposal identifying the types of monitoring gaps that are subject to the periodic monitoring rule, and once that rule applies, how to create monitoring that satisfies the rule’s criteria.

BACKGROUND

- In 1990, Congress amended the Clean Air Act to require all states to develop operating permit programs. These programs require an operating permit for each industrial facility that is a “major source” of air pollution. These permits clarify which underlying federal air pollution control requirements (applicable requirements) apply to the facility and requires the facility to share in tracking its compliance with meeting the requirements.
- Under this operating permits program, a facility is considered a major source when it emits minimum levels of a specific air pollutant. This can be a little as 10 tons per year.
- The applicable requirements that go into operating permits come from other parts of the Clean Air Act and EPA’s regulations. These regulations typically:
 - < limit the amount of air pollution the facility can emit,
 - < require the facility to construct and operate specific pollution control equipment,
 - < require specific work practices to be performed to reduce emissions, and
 - < require monitoring and recordkeeping for the facility to determine its compliance with the limits, pollution controls, and work practices mentioned above.

FOR MORE INFORMATION

- To download the text of today’s rulemaking actions, go to EPA’s World Wide Web site at the following address: <http://www.epa.gov/ttn/oarpg/t5pfpr.html>.

- For general information on this action, contact Jeff Herring of EPA's Office of Air Quality Planning and Standards at (919) 541-3195.