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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 31 1988

OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: Transmittal of OAQPS Interim Control Policy Statement

FROM: John S. Seitz, Director
Stationary Source Compliance Division
Office of Air Quality Planning and Standards

TO: Air Management Division Directors
Regions I, III and IX

Air and Waste Management Division Director
Region II

Air, Pesticides and Toxics Management Division
Directors
Regions IV and VI

Air and Toxics Division Directors
Regions VII, VIII and X

Air and Radiation Division Director
Region V

Attached is the final Interim Control Policy for developing compliance schedules that require replacement or upgrading of existing air pollution control equipment. Comments solicited from the Air Compliance and Air Programs Branch Chiefs, OECM, and SSCD by a memorandum of January 20, 1988, have been addressed, resulting in a few minor language clarifications and one change to the policy.

The change resulted from a comment on the requirement to maintain existing controls in the interim. In lieu of maintaining the operation of the existing control equipment during the interim period, allowance has been made for installing interim controls which may be more effective in reducing emissions. The usage of interim controls may not result in a delay of the installation of the final control equipment.

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Also, clarification has been made concerning the installation of redundant equipment on new control systems. Design requirements mentioned in this policy apply to those sources which require continuous operation of the process equipment. Temporary shutdown during maintenance periods is always a possible compliance alternative to adding redundant control equipment. The policy now states this specifically.

One notable recommended change has not been included. The comment was made that performance bonds should not be applied to activities which may be beyond the control of the source, such as the delivery of materials. Installation of control equipment frequently involves the activities of several contractors and requires careful scheduling to avoid delays. Late delivery of equipment can have a serious adverse effect on the ability of a

source to meet a tight installation schedule. A source must take the necessary steps to select the most reliable, rather than the lowest cost vendor, to ensure that schedules are met.

Thank you for your assistance with the development of this policy statement. If you have questions concerning it, please contact Pam Saunders of my staff at FTS 382-2889, EMail EPA6264.

Attachment

INTERIM CONTROL POLICY

PURPOSE

The purpose of this policy is to provide uniform criteria for developing final compliance requirements, schedules, and interim requirements for sources in situations where failing, deteriorating or inadequate air pollution control equipment must be replaced or upgraded.

APPLICABILITY

This policy applies to situations where a determination to rebuild or replace existing control equipment has been made. Situations mentioned in this policy may also be subject to applicable civil penalties as stated in the Civil Penalty Policy.

OBJECTIVES

The objectives of this policy are to require subject sources to:

1. Minimize and continuously monitor emissions during the interim period;
2. Attain final and continuing compliance as quickly as feasible using all available means;
3. Maintain continuous compliance in the future by appropriate design of the final control system, including the continuous monitoring of excess emissions.

POLICY

INTERIM MEASURES

Interim measures combined with continued operation and maintenance of existing controls must be required wherever existing controls are inadequate. During the interim period until the new or upgraded control equipment is operational and the source is in compliance, emissions from the source must not be allowed to increase. The existing though inadequate control equipment must remain operational to the maximum extent possible, including being maintained and

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repaired, until such time that construction or tie-in of new equipment requires its shutdown or removal. In lieu of maintaining the existing though inadequate control equipment, interim controls which offer a higher degree of emission reduction and are readily and reasonably available may be installed. The use of such interim controls shall not unduly delay the installation of final control equipment.

When existing control equipment must be taken off line to tie-in or complete construction of new or upgraded equipment, additional interim controls or other interim measures are required to ensure no increase in excess emissions occurs during the tie-in period. Such measures may include installation of additional temporary control equipment or operational controls, e.g., curtailment of production rates, relocation of production to complying process lines or facilities, purchase of power or product elsewhere as needed, or temporary shutdown.

The source should be required to implement an interim continuous

emissions monitoring program, to enable the agency to monitor the emissions performance of the source during the interim period.

COMPLIANCE REQUIREMENTS

All compliance schedules must contain specific milestones for design, construction, installation and operation of new or rebuilt control equipment. The milestones should reflect the shortest feasible schedule for achieving compliance and should include, but not be limited to, the following:

1. Submittal of a control plan, including necessary permit applications, to agency;
2. Award of major contract(s) to vendors;
3. Delivery of materials or control equipment;
4. Initiation of off-site fabrication or on-site construction or installation of the control equipment;
5. Completion of installation or rebuilding of control equipment;

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6. Testing and demonstration of final compliance by the source.

Performance bonds or stipulated penalties must be associated with every milestone specified in the schedule. To promote an expeditious schedule, the use of prefabricated equipment or the use of double or triple shifts for the construction or installation of equipment should be considered.

CONTINUOUS COMPLIANCE AND MONITORING REQUIREMENTS

A fundamental principle of this policy is that the source must make every possible effort to maintain continuous compliance after the new or rebuilt equipment becomes operational. To assure continuous compliance during future maintenance periods, all new or upgraded equipment must normally include spare compartments (or units) and parts (or equipment) that can maintain emissions at a compliance level while the remainder of the equipment is being replaced, repaired, or maintained. In lieu of this, those sources that do not require continuous availability of the process equipment may shut down during such periods.

To assure the ability of the agency to monitor continuous compliance in the future, the source must periodically report excess emissions to the appropriate air pollution control agency. This may be accomplished by requiring the installation, operation and reporting of data from continuous emissions monitoring equipment. These requirements are to be set out specifically in the compliance agreement.