

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

JAN 28 1993

OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: Automatic or Blanket Exemptions for Excess Emissions
During Startup, and Shutdowns Under PSD

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

TO: Linda M. Murphy, Director
Air, Pesticides and Toxics Management Division
Region 1

This is in response to your memorandum dated June 15, 1992, asking that we advise Region I on whether you are correct in telling States and applicants that Prevention of Significant Deterioration (PSD) permits cannot contain automatic exemptions which allow excess emissions during startup and shutdown. You also requested that the Stationary Source Compliance Division (SSCD) issue a memo which outlines the Environmental Protection Agency's (EPA's) policy on excess emissions during startup and shutdown (especially as it pertains to Best Available Control Technology determinations) and on automatic exemptions that are granted in PSD permits. I understand that my staff has discussed this issue and the response with your staff by phone. However, we regret the delay in providing a written response.

The two memoranda you mention, entitled "Policy on Excess Emissions During Startup, Shutdown, Maintenance, and malfunction" from Kathleen M. Bennett (dated February 15, 1983 and September 28, 1982), address automatic exemptions under the State Implementation Plan (SIP). The memoranda state that the rationale for establishing these emissions as violations, as opposed to granting automatic exemptions, is that SIPs are ambient-based standards and any emissions above the allowable may cause or contribute to violations of the national ambient air quality standards. This rationale applies to the PSD program not only because PSD is ambient-based but also because generally, the PSD program is part of the SIP. Even in States where the PSD program is not SIP approved, the emissions limits are established to protect increments and the national ambient air quality standards (NAAQS).

Another 1977 memorandum, entitled "Contingency Plan for FGD Systems During Downtime as a Function of PSD" from Edward E. Reich, states that PSD and SIP regulations require the establishment of emission limitations which will be sufficient to ensure nondegradation of air quality and attainment and maintenance of the NAAQS. This memorandum specifically refers to the April 27, 1977 Federal Register notice (42 FR 21472) that is also mentioned in the EPA policy attached to the Bennett memoranda.

Although we concur with Region I that PSD permits cannot contain automatic exemptions which allow excess emissions during startup and shutdown, we do not believe that EPA's policy concerning this issue under PSD is somewhat vague. The exemptions granted under some New Source Performance Standards (NSPS) are not applicable to this issue under PSD. The NSPS are technology based standards that are not directly required for meeting ambient standards.

Likewise, we do not concur at this time with the approach as outlined in the footnote. You suggest setting a specific emission rate that would apply during startup and/or shutdown that is demonstrated to not cause a violation of any short-term increments or standards. While this may protect the ambient standards, this cannot be easily determined if, as is suggested, the emission rate would reflect a longer averaging time. Further, as the 1982 memoranda states, without clear definition and limitations, these automatic exemptions or even secondary limits could effectively shield excess emissions arising from poor operation and maintenance or design, thus precluding attainment.

However, the States retain enforcement discretion, as discussed in the memoranda, to address the occurrence of excess emissions. The attachments to the memoranda provide that infrequent periods of excess emissions during startup and shutdown need not be treated as violations where the source adequately shows that the excess could not have been prevented through careful planning and design and that bypassing of control equipment was unavoidable to prevent loss of life, personal injury, or severe property damage. Startup and shutdown of process equipment are part of the normal operation of a source and should be accounted for in the planning, design and implementation of operating procedures for the process and control equipment. Accordingly, it is reasonable to expect that careful and prudent planning and design will eliminate violations of emission limitations during such periods. If excess emissions occur during routine startup and shutdown due to a malfunction, then those instances should be treated as other malfunctions which are subject to the malfunction provisions of the policy (attached).

If you have any questions regarding this matter, please contact Clara Poffenberger at 703 308-8709.

Attachments