

Final Rule: Amendments to the Protocol Gas Verification Program and Minimum Competency Requirements for Air Emission Testing

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by

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Background

- On June 11, 2010, EPA published a proposed rule that, if promulgated would require among other things:
 - Participation in a specialty gas vendor-funded PGVP for any vendor providing EPA Protocol gases; and
 - Minimum competency requirements for Part 75 stack testing
- Final rule was signed on March 10, 2011

Major Components of PGVP

- Any Part 75 source using EPA Protocol gas must obtain it from an EPA Protocol gas production site participating in the PGVP
- Any Method 3A, 6C or 7E using EPA Protocol gas for testing on a Part 75 source, must obtain the gas from a participating production site
- Any production site choosing to participate must notify EPA each year by providing:
 - Specialty gas company name;
 - Name, email, and telephone number of gas company contact person
 - Name and address of each participating EPA Protocol gas production site; and
 - Name, email, and telephone number of production site contact person.
- EPA will issue vendor ID numbers to participants
- EPA will post vendor IDs on Agency web sites

Major Components of PGVP (Cont'd)

- Each year, EPA will hire a stack testing company (maybe a different company each year) to blindly procure up to 4 cylinders from each participating production site
- After being notified that its cylinders are being audited by EPA (after cylinders have been shipped), a production site would cancel its invoice or credit the purchaser's account, and pay NIST to analyze its cylinders and provide a report to EPA
- A production site may be de-listed if it fails to provide contact information, and may be de-listed for 180 days if it fails to cancel its invoice or pay NIST to analyze and send a report to EPA

Major Components of PGVP (Cont'd)

- Each year, EPA intends to audit all participating production sites
- NIST expects to analyze all cylinders and provide EPA a report within 6 months of receipt of cylinders and has established cost containment and efficiency measures to help it do so
- EPA will post audit results on Agency web sites
- Rule establishes minimum criteria for the NIST cylinder analysis

Major Components of PGVP (Cont'd)

- After analysis, cylinders will have a NIST analyzed concentration, and will be returned to the production site
- Recordkeeping/reporting will be required to help ensure that EPA Protocol gas cylinders being used by Part 75 sources are from participating production sites, and to inform cylinder selection for future audits
- Vendor participation in the PGVP is allowed after the final rule is signed; and Part 75 sources that use EPA Protocol gas must obtain it from participating production sites on and after 60 days after publication of final rule
- PGVP recordkeeping/reporting provisions for Part 75 sources will commence 180 days after publication of final rule

Major Components of PGVP (Concluded)

- Reporting instructions are posted on EPA CAMD web site
- EPA Protocol gases certified by or ordered from any production site prior to 60 days after the rule is published may be used up.
- PGVP elements to be reported electronically through ECMPS and in hardcopy cert/recert reports are:
 - Gas level code (low, mid or high);
 - PGVP vendor ID (issued by EPA) for participating production site that supplied the cylinder;
 - Code for type of EPA Protocol gas;
 - Cylinder ID #; and
 - Cylinder expiration date.

Major Components of AETB

- Any RATAs, Appendix E NO_x testing or low mass emission testing at a Part 75 source, must be performed by an air emission testing body (AETB) that certifies conformance with ASTM D 7036
- Testing must be overseen and supervised by at least one on-site Qualified Individual
 - QI must be qualified for the methods employed in the test
 - QI must oversee and supervise the test for the duration of the test; allowance is made for normal activities, e.g., bathroom, food breaks, or emergencies
 - Only those portions of a test overseen and supervised by a QI may be used under Part 75

Major Components of AETB (Cont'd)

- At the time of testing, the AETB provides a certification that its operating in conformance with ASTM D 7036:
 - Certificate of accreditation or interim accreditation for relevant test methods by recognized, national accreditation body; or
 - Letter of certification for relevant test methods signed by AETB senior management; and
 - Name, telephone number and e-mail address of the Air Emission Testing Body;
 - Name of the on-site Qualified Individual, as defined in § 72.2 of this chapter;
 - For the reference method(s) that were performed, the date that the on-site Qualified Individual took and passed the relevant qualification exam(s) required by ASTM D 7036-04; and
 - The name and e-mail address of the qualification exam provider.

Major Components of AETB (Cont'd)

- Except for failure to have a QI overseeing and supervising a test project, no Part 75 RATA, Appendix E or LME test shall be invalidated as a result of failure of an AETB to conform to ASTM D 7036; validation of such tests is determined based on other Part 75 requirements
- EPA recommends that proper observation of tests and review of test results continue regardless of whether an AETB fully conforms to ASTM D 7036

Major Components of AETB (Cont'd)

- To better ensure that an AETB is operating in conformance with ASTM D 7036, it is recommended that Part 75 source request that the AETB produce:
 - AETB's quality manual;
 - Results of any external audits of or internal audits performed by AETB during prior 12 mos;
 - Performance data, including any corrective actions taken by AETB during prior 12 mos; and
 - Training records for prior 12 mos for all on-site technical personnel, including QIs.

Major Components of AETB (Cont'd)

- If a source requests, and an AETB does not provide certain information, the source may request EPA's assistance;
- EPA may post the AETB's name on Agency web sites if within 30 days of providing a description of the deficiencies to be remedied, the AETB does not provide the information to the source and notify EPA;
- the AETB's name will be removed from the web site once the deficiencies are remedied

Major Components of AETB (Concluded)

- Recordkeeping/reporting is required to help assure that Part 75 stack testing is conducted by AETBs that conform with ASTM D 7036
- AETB recordkeeping provisions for Part 75 sources would commence 365 days after publication of rule
- AETB reporting would commence 365 days after publication of rule either prior to or concurrent with submittal of the relevant electronic quarterly emissions report
- Reporting instructions are on EPA CAMD web site

Where to Find Information

- This presentation, a rule fact sheet, and the final rule are posted at:

<http://www.epa.gov/airmarkets/emissions/rules.html>