



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NATIONAL VEHICLE AND FUEL EMISSIONS LABORATORY
2565 PLYMOUTH ROAD
ANN ARBOR, MICHIGAN 48105-2498

OFFICE OF
AIR AND RADIATION

March 26, 2020

Re: Temporary Flexibility for QAP Auditors for Remote Monitoring System Requirements

Dear QAP Companies:

In light of the ongoing COVID-19 pandemic, the United States Environmental Protection Agency's Office of Transportation and Air Quality ("EPA" or "Agency") is issuing guidance regarding limited flexibility to Quality Assurance Plan ("QAP") providers who are currently registered with the Agency and operating under approved QAPs. Under the 40 C.F.R. Part 80 regulations, an auditor is required to make regular site visits to facilities producing renewable fuel under the Renewable Fuel Standard ("RFS") program.¹ However, under the current Center for Disease Control and Prevention ("CDC") travel guidelines, it may be unsafe for auditors to travel to the renewable fuel production facilities to conduct the required site visits.² Accordingly, EPA is offering a temporary flexibility that would enable the auditors to use the remote monitoring system requirements that the Agency may approve in normal circumstances.

Under 40 C.F.R. § 80.1472(b)(3), an auditor must conduct an on-site visit twice per calendar year with no more than 200 days separating the site visits *unless* the QAP provider has an EPA-approved remote monitoring system plan in place. With a remote monitoring system plan, the auditor only needs to conduct an on-site visit once per calendar year with no more than 380 days between site visits. Due to the ongoing health crisis, EPA is exercising its discretion under 40 C.F.R. § 80.1472(b)(3)(i)(B) to allow auditors to temporarily use less stringent remote monitoring systems than EPA would require under normal circumstances. This temporary flexibility will allow auditors to amend their QAPs to include remote monitoring systems and delay the need for an in-person site visit.

When using an approved remote monitoring system under 40 C.F.R. § 1472(b)(3)(i)(B) during normal circumstances, auditors would install their own remote monitoring systems, including cameras, pump and valve meters or sensors, etc., at a renewable fuel production facility to independently document and verify the activities at that facility. However, under the current pandemic conditions, auditors may be unable to travel to the facilities either to install remote monitoring equipment or to conduct a site visit. Therefore, as a temporary flexibility, EPA is allowing a "virtual" site visit as part of a remote monitoring system plan instead of the additional installation of monitoring equipment at the facility.

¹ 40 C.F.R. § 80.1472(b)(3).

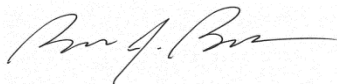
² See generally CDC, *Corona Virus and Travel in the United States* (Mar. 17, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-in-the-us.html>.

QAP providers who want to allow their auditors to use this flexibility should submit a new General Plan that includes provisions for remote monitoring. In order to provide greater security to this temporary flexibility, we strongly recommend the professional engineer³ oversee use of this remote monitoring system by the auditor. These provisions should state that the auditor will conduct all site visit tasks included in the General Plan or applicable Pathway-Specific Plan via remote monitoring technology, including video conferencing, to observe facility equipment, instrumentation, and storage, and time-stamped control screen captures, no later than 200 days following the last on-site inspection. Additionally, digital downloads of data historian information relevant to the day of the inspection must be made available to the auditor for review. These provisions should also include instructions that indicate that if the auditor is unsatisfied with the remote monitoring data (e.g. any site visit task is not adequately completed using remote data, or the remote data shows that the facility may not be acting in accordance with all applicable regulations), then the Q-flag will be turned off for that facility no later than 200 days following the last on-site inspection.

This temporary flexibility may only be used after EPA approves the new General Plan in the Central Data Exchange (CDX) system. This submittal of the amended General Plan will be considered a registration update under 40 C.F.R. § 80.1450(g)(9)(ii) and will not, at this time, be considered for submission and approval of a QAP under 40 C.F.R. § 80.1469(e). This temporary flexibility will be reconsidered under 40 C.F.R. § 80.1469(e) upon the submission of a new General Plan, and at least one pathway specific QAP, when such plans are typically submitted (e.g. in October of each year).

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Sincerely,



Byron J. Bunker, Director
Compliance Division
Office of Transportation and Air Quality

³ See 40 C.F.R. § 80.1450(b)(2).