Ask the Inspector Workshop
Clean Air Act

January 27, 2010

Typical Inspection Structure

- Notification and Document Request
- On-Site – Process Overview
- Inspection Focus
  - In-depth process discussion
  - Process Unit discussions
  - Regulatory discussion
- Facility/Process Tour
- On-Site File Review

An Inspector's Approach

- Applicability
- Reporting
- Record Keeping
- Monitoring

Applicability

- Obvious Regulations – What is your main Process? What is your main Source category?
- What are the associated regulations
  - MACTs, NESHAPs, NSPS
  - PSD/NSR
  - CFCs
  - Liquid Storage
  - Shipping, Loading
  - What else?

Applicability

- Consider Additional Not-so-Obvious Regulations

- What else happens at your facility?
  - Machine Shops – Degreasers, Spray Booths, CFCs, plating etc.
  - Any Remediation Projects– Site Remediation MACT
  - Handling of Benzene – NESHAP Subpart FF
  - New Construction – permits required, additional regulations, expansion of existing regs, etc.
  - Fleet Management – gas dispensing facilities, autobody shop etc.
  - Emergency generators
  - Any waste management operations that receive off-site wastes
  - others

Reporting

- Common Problem - Dual Reporting Requirement
- Dual Reporting Requirement Found in the General Provisions, 40 CFR Part 63.10 and Delegation Agreements between EPA and States.
- In short, submit reports to both the state agency and EPA

Record Keeping

- Review Part 70 Permits, State Permits and Federal Regulations to ensure you are meeting required record retention time frames.
- For example, 40 CFR Part 63 MACTs may require 2 year record retention while a Part 70 Permit will require 5 years.

Monitoring

- Common problem – Absence of Data
  - Is equipment downtime recorded?
  - Are monitoring logs/ records legible?
  - Does everyone responsible for collecting data understand the required format and SOPs?
  - If a contractor is responsible for monitoring data, are they monitoring the appropriate elements required by the regulation or permit?

Recent Federal Facility CAA Violations

- NSPS DB – Industrial, Commercial and Institutional Steam Generator
- NSPS DC – Small Industrial, Commercial and Institutional Steam Generator
- MACT N- Chromium Electroplating
- MACT T- Halogenated Solvent Cleaning
- MACT II – Shipbuilding and Ship Repair
- MACT JJ – Wood Furniture

CAA Penalty

- No General Prohibition for Assessing Penalty

- In Part Penalty based on
  - Current Inflation Factor,
  - Gravity component – toxicity, harm, length of violation, size of violator etc.
  - Economic Benefit for delayed or avoided costs.
  - Additional Elements

Research and Development Facilities

- R&D Facilities are not always exempt
- Consider then end use of the R&D product
- Is an intermediary being produced?
- Refer to the specific regulation

Area Source MACTs

- Area sources are those sources that emit less than 10 tons annually of a single HAP or less than 25 tons annually of a combination HAPs
- Initial notifications are coming due for many recently promulgated Area sources and Compliance dates are approaching
- Exemptions in some Area Source MACTs for US Armed Forces, NASA, and others but not a full FedFac exemption. Must check each Area Source MACT.

Area Source MACTs

- Examples of Area Source MACTs –
  - Painting and Coating – Miscellaneous Metal and/or Plastic Parts
  - Gasoline Dispensing
  - Hospital Sterilizers using Ethylene Oxide
  - Paint Stripping
  - Metal Fabrication
- Intermediary Production – Coating, painting, stripping, fabrication etc.
- Full List at - http://epa.gov/ttn/atw/area/arearules.html

Air Pollutants

- Air Pollutants may fall into multiple categories.
- A Metal could be both a HAP and regulated as a PM – ex Lead – criteria pollutant, HAP and maybe be PM.
- Air implications of volatile hazardous wastes
- Liquid storage, storage vessels

Questions or Comments?

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