

Petitioner's Exhibit 24

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

OFFICE OF
AIR AND RADIATION

April 8, 1987

MEMORANDUM

SUBJECT: Clarification of New Source Review Policy on Averaging Times for
Production Limitations

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 Radiation Division Director
Region V

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

On March 13, 1986 the Stationary Source Compliance Division issued the attached memorandum which describes EPA'S policy on maximum allowable averaging times for production and operational limitations. The limitations addressed are those which restrict a source's potential to emit to below PSD/NSR major source or major modification thresholds. Since the issuance of this memorandum last March, there have been several attempts to misuse the policy and apply it to emission limitations, rather than to production/operational limitations. The purpose of this memorandum is to distinguish between EPA'S policy on averaging times for production limitations versus emission limitations and to clarify the proper implementation of the March 13, 1986 memorandum.

Production limitations place restrictions on a source's operating rate, or rate of material throughput. Examples of production limitations are: hours of operation, gallons of coating per job or per unit time, million BTU per unit time,

material processed per unit time. Federally enforceable limitations on these parameters may serve to limit a source's potential to emit to below major source thresholds. EPA's policy on the longest averaging times that are considered Federally enforceable, is set forth in the March 13, 1986 memorandum from Edward E. Reich. The longest averaging time generally acceptable for the purposes of practical Federal enforcement is one month, however, a source may seek approval of longer rolling averages as discussed in that memorandum.

Emission limitations place restrictions directly on the source's pollutant emission rate. Examples of emission limitations are: lb VOC/gal coating, lb VOC/hour, lb SO₂/MBTU, lb SO₂/hour, grains particulates/dscf. In order for emission limitations to be Federally enforceable from the practical stand point, they must be short term and specific so as to enable the Agency to determine compliance at any time. Emission limitations on a yearly basis alone (e.g., tons per year, or rolling yearly averages) do not satisfy EPA's requirements with respect to Federal enforceability. EPA's policy on averaging times for VOC emission limitations is stated in the January 20, 1984 memorandum from John O'Connor, Acting Director of OAQPS.

The March 13, 1986 Edward Reich memorandum describes EPA's policy on averaging times for production limitations which limit potential to emit to below major source or major modification thresholds. That memorandum states that the averaging time policy for production limitations does not apply to emission limitations. Therefore, limitations on a source's emission rate (e.g., lb VOC/unit time) designed to keep the source's potential emissions below NSR/PSD thresholds must comport with EPA policy on emission limitations. Sources may not use the March 13, 1986 memorandum or averaging times for production limitations to justify the use of longer (e.g., yearly or monthly) averaging times for emission limitations.

Any questions regarding this memorandum or the March 13, 1986 memorandum may be directed to Sally M. Farrell at FTS 382-2875.

Attachment

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