What to expect during a Clean Air Act inspection

How inspection candidates are selected:

1. Complaints
2. Negotiated State – EPA agreements

Negotiated agreements are based on the CLEAN AIR ACT STATIONARY SOURCE COMPLIANCE MONITORING STRATEGY – September 2010

Available on-line at:

http://www.epa.gov/compliance/resources/policies/monitoring/caa/cmspolicy.pdf

(Excerpts from the manual)
Goals of the Compliance Monitoring Strategy

1. Provide national consistency in developing stationary source air compliance monitoring programs, while at the same time provide States/locals with flexibility to address local air pollution and compliance concerns.

2. Improve communication between States/locals and Regions on stationary source air compliance monitoring programs, and enhance EPA oversight of these programs.

3. Provide a framework for developing stationary source air compliance monitoring programs that focuses on achieving measurable environmental results.

4. Provide a mechanism for recognizing and utilizing the wide range of tools available for evaluating and determining compliance.

The 2001 revision made the following major changes:

1. Emphasis has been placed on Title V major sources and a limited subset of synthetic minor sources.

2. Minimum frequencies have been recommended for determining the compliance status of facilities covered by this policy. Alternatives may be developed and negotiated with the Regions to enable States/locals to address important local compliance issues.

3. The policy explicitly recognizes that a variety of tools ranging from self-certifications to traditional stack tests are available and should be used to evaluate compliance. It further recognizes that on-site visits may not be necessary to evaluate the compliance status of a facility given the wide range of self-reported information such as annual Title V compliance certifications, deviation reports, and semi-annual monitoring reports based on periodic monitoring and compliance assurance monitoring. However, to ensure a compliance presence in the field, a minimum frequency for on-site visits has been recommended.

4. Three categories of compliance monitoring replace the levels of inspection defined in the 1987 Clean Air Act Compliance/Enforcement Guidance Manual. The new compliance monitoring categories are: Full Compliance Evaluations, Partial Compliance Evaluations and Investigations.

5. CMS plans are no longer required to be submitted every year, but may be submitted once every two years.

The 2010 revision clarified State – EPA interactions related to oversight and reporting, and added an overview of the Office of Enforcement and Compliance Assurance's Clean Air Act National Initiatives.

COMPLIANCE MONITORING CATEGORIES

There are three categories of compliance monitoring: Full Compliance Evaluations, Partial Compliance Evaluations, and Investigations.

Full Compliance Evaluations address all regulated pollutants at all regulated emission units.

It addresses the current compliance status of each emission unit, as well as the facility's continuing ability to maintain compliance at each emission unit.

A Full Compliance Evaluation should include the following:

- A review of all required reports, and to the extent necessary, the underlying records. This includes all monitored data reported to the regulatory agency (e.g., CEM and continuous parameter monitoring reports, malfunction reports, excess emission reports). It also includes a review of Title V self-certifications, semi-annual monitoring and periodic monitoring reports, and any other reports required by permit.

- An assessment of control device and process operating conditions as appropriate. An on-site visit to make this assessment may not be necessary based upon factors such as the availability of continuous emission and periodic monitoring data, compliance certifications, and deviation reports. Examples of source categories that may not require an on-site visit to assess compliance include, but are not limited to, gas-fired compressor stations, boilers in large office and apartment buildings, peaking stations, and gas turbines.

- A visible emission observation as needed.

- A review of facility records and operating logs.

- An assessment of process parameters such as feed rates, raw material compositions, and process rates.

- An assessment of control equipment performance parameters (e.g., water flow rates, pressure drop, temperature, and electrostatic precipitator power levels).

- A stack test where there is no other means for determining compliance with the emission limits. In determining whether a stack test is necessary, States/locals should consider factors such as: size of emission unit; time elapsed since last stack test; results of that test and margin of compliance; condition of control equipment; and availability and results of associated monitoring data.

- A stack test whenever a State/local deems it appropriate.

A Full Compliance Evaluation should be completed within the Federal fiscal year in which the commitment is made, except in the case of extremely large, complex facilities referred to as mega-sites.