

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

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MEMORANDUM

SUBJECT: "Once-in/Always-in" Requirement for Applicability
FROM: G. T. Helms, Chief *Tom*
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TO: Chief, Air Programs Branch, Regions I-X

This memorandum provides guidance to States and Regions regarding the "once-in/always-in" concept for applicability of Reasonably Available Control Technology (RACT) requirements as stated in the guidance document entitled "Issues Relating to Volatile Organic Compound (VOC) Regulation Cutpoints, Deficiencies, and Deviations," May 25, 1988 (Blue Book). "Once-in/always-in" means that once emissions from a source exceed the applicability cutoff for a particular VOC regulation in the State implementation plan (SIP) (e.g., 15 pounds per day actual emissions for a coating source), that source is always subject to the control requirements of the regulation. The purpose of this requirement is two-fold. First, it serves to discourage a source already subject to regulation from installing minimal ("less than RACT") controls to circumvent RACT requirements. Second, it improves the clarity of VOC regulations by minimizing the confusion caused by variations in production over whether a particular source is covered by a regulation.

The Ozone/VOC Policy Work Group discussed clarifying the once-in/always-in requirement to allow exceptions to this rule in certain circumstances. A VOC emission source now subject to RACT because it has potential emissions greater than 100 tons per year (tpy) may be exempted from regulation if all of the following are true:

- (1) The source has an approved, federally enforceable permit or SIP revision that permanently restricts one or more of the following source activities that result in emissions: production, hours of operation, or capacity utilization. Such restrictions thus lower "potential" emissions to a level below the applicability cutoff.
- (2) The actual (historical) emissions at the source after the baseline year of the SIP (i.e., the date of the latest attainment demonstration) have never exceeded 100 tpy.
- (3) The emissions allowed under the permit or other enforceable document are not greater than the emissions assumed in the latest EPA-approved attainment demonstration.

A VOC emissions source now subject to RACT because it has potential emissions or actual emissions that exceed a smaller cutoff (e.g., 10 tpy potential or 15 lb/day actual) may be exempted from regulation if the source has an approved, federally enforceable permit or SIP revision that permanently restricts production, hours of operation, and/or capacity utilization.

A source that reduces its emissions from a RACT level of control to the applicability cutoff or below would be allowed to take emission reduction credit toward attainment of the ozone standard, but would still be required to meet the criteria of the emissions trading policy.

As part of the enforceable restriction, sources should also be required to continue to operate and maintain any add-on control equipment. Any source with add-on controls should not be allowed to dismantle these controls when it shuts down part of its operation, provided those shutdown sources are not an integral part of the control equipment.

The permit or other enforceable document must also require a source to keep records to demonstrate compliance with the permit restrictions. If the restriction is based on actual emissions or operations, the source should be required to keep records of throughput or actual coating usage to determine compliance. If the applicability level of the regulation is in terms of actual emissions per day, the source should be required to keep, at a minimum, daily consumption records, certification of VOC emission rates, and daily calculation of VOC emissions. If the regulation specifies an applicability level based on potential emissions per year, the permit or enforceable document should restrict actual production, hours of operation, and/or capacity utilization on a monthly basis (because an annual limitation is not enforceable), and the source should be required to keep, at a minimum, daily consumption records, certification of VOC emission rates, and monthly calculations of VOC emissions.

Sources whose cutoffs are based on throughput (e.g., gasoline stations) are not eligible for exemption because records of gasoline throughput are not always reliably kept by these sources, and it would be difficult for enforcement personnel to determine whether such sources are operating above or below the cutoff.

If you have any questions pertaining to this memo, please call me at FTS 629-5527.

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