



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

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OFFICE OF
AIR QUALITY PLANNING
AND STANDARDS

Ms. Rhonda Jeffries
Environmental Programs Manager
Oklahoma Department of Environmental Quality
707 North Robinson
Post Office Box 1677
Oklahoma City, Oklahoma 73101-1677

Re: Regulatory Interpretation – Question Regarding Use of 40 CFR 60, Appendix F
Quality Assurance Procedures under Clean Air Act (CAA) New Source Performance
Standards (NSPS)

Dear Ms. Jeffries:

This letter is in response to your request dated March 30, 2018, regarding whether all affected sources subject to any NSPS are required to comply with the requirements specified in appendix F to 40 CFR part 60. The United States Environmental Protection Agency (EPA) cannot provide a list of every subpart that does or does not specify use of appendix F because such a generalized list does not exist. Each subpart should be reviewed for *applicable references* to appendix F and portions of the General Provisions (GP) to 40 CFR part 60 for affected facilities specified in the subpart. Due consideration should be given to the applicability section provided within both the subpart and appendix F (Quality Assurance Procedures) itself. The remainder of this letter will help clarify the question and our response.

In your letter, the Oklahoma Department of Environmental Quality (ODEQ) inquires if appendix F, which is used for continuous emission monitoring systems (CEMS) in determining compliance with emission limits as specified in the NSPS GP, is intended to be “broadly applicable” to all individual NSPS subparts. Your office asserts that the applicability section of appendix F does “not differentiate between individual NSPS subparts and would appear to be broadly applicable to all CMS [continuous monitoring systems] used for compliance determinations, regardless of which NSPS subpart is in question.” However, you provide reference to an Applicability Determination (AD) issued by EPA Region 4 under 40 CFR part 60, subpart H, where use of appendix F was not required.¹ ODEQ subsequently asks EPA to provide a list of all subparts that do not require use of appendix F versus all subparts that do require use of appendix F.

¹ Applicability Determination Index Control Number 0800006.

Your application of the information contained in the above referenced AD to the request for a regulatory interpretation (RI) under the NSPS GP is not an appropriate comparison and may be a source of some confusion.² Since each subpart is unique to the specified source category or categories, certain provisions of the subpart may take precedence over the NSPS GP as specified directly in the subpart. Furthermore, we note that the applicability section of appendix F does not differentiate between subparts. Please note the following excerpt from appendix F to 40 CFR part 60 – Quality Assurance Procedures, Section 1.1 Applicability (**bold added for emphasis**):

*Procedure 1 is used to evaluate the effectiveness of quality control (QC) and quality assurance (QA) procedures and the quality of data produced by any continuous emission monitoring system (CEMS) that is used for determining compliance with the emission standards on a continuous basis **as specified in the applicable regulation**. The CEMS may include pollutant (e.g., SO₂ and NO_x) and diluent (e.g., O₂ or CO₂) monitors.*

Each subpart may or may not specify use of appendix F or may merely rely on the GP for use of appendix F. Therefore, use of appendix F, as specified in the NSPS GP, is consistent with the above direction. Consider the following requirement at 40 CFR 60.13(a) (**bold added for emphasis**):

*For the purposes of this section, all continuous monitoring systems **required under applicable subparts** shall be subject to the provisions of this section upon promulgation of performance specifications for continuous monitoring systems under appendix B to this part and, if the continuous monitoring system is used to demonstrate compliance with emission limits on a continuous basis, appendix F to this part, **unless otherwise specified in an applicable subpart or by the Administrator**. Appendix F is applicable December 4, 1987.*

ODEQ should consider specifications referenced in each NSPS subpart to determine appropriate use of appendix F. There are subparts that require or allow use of a CMS as the performance test method for demonstrating compliance with the emission limit (*i.e.*, 40 CFR part 60, subpart Da). When a specific subpart requires a CMS to demonstrate compliance with an emission limit in the units of the standard but does not specifically reference appendix F, the affected source would still be subject to the provisions of 40 CFR 60.13(a) if it was new, modified or reconstructed on or after December 4, 1987. For example, as determined in the above referenced AD for 40 CFR part 60, subpart H, the CMS is not required for the determination of compliance with an emission limit as evidenced by the requirement for excess emissions reporting; therefore, appendix F is not applicable.

² An AD uses source-specific information to determine rule applicability to a particular facility and is based upon the *specific rule in force at the time of the determination*. A RI is rule-specific but clarifies implementation of certain requirements for an affected facility source category under an NSPS subpart, *based also upon the rule in force at the time of the interpretation*.

This response has been coordinated with our Office of Enforcement and Compliance Assurance and Region 6. If you have any further questions, please do not hesitate to contact Ms. Jodi Howard of my staff at (919) 541-4607 or howard.jodi@epa.gov.

Sincerely,



Penny E. Lassiter
Acting Division Director
Sector Policies and Program

cc: Marcia Mia (OECA)
Cynthia Kaleri (Region 6)