

STAPPA/ALAPCO STACK TESTING  
AND COMPLIANCE CERTIFICATION  
SURVEY  
May, 2002

**RESPONDENTS: 40 total**

**States: 29 :** Illinois; Montana; Indiana; Florida; Oklahoma; South Carolina; Iowa; Minnesota; New York; Connecticut; Wyoming; Colorado; Virginia; Missouri; Alabama; Kentucky; Maryland; New Hampshire; Pennsylvania; West Virginia; Mississippi; Texas; Massachusetts; Arizona; Arkansas; Nebraska; California; New Mexico; Wisconsin

**Locals: 17 :** Tampa, FL; Louisville, KY; Memphis, TN; Cincinnati, OH; Forsyth County, NC; Akron, OH; Jacksonville, FL; Puget Sound, WA; Spokane, WA; Bay Area, CA; Ventura County, CA; Philadelphia, PA; Lane County, OR; RAPCA; Southwest Clean Air Agency, WA\*; Pima County, AZ\*; Pittsburgh, PA\*

\* Responses not included in workshop presentation slides

**STACK TESTING QUESTIONS:**

1. Does local or state law provide your agency with the general authority to require stack testing?

Yes 46 No       

2. Does your agency have written guidance regarding the frequency and type of sources\* to be tested for emissions compliance?

Yes 23 No 23 Yes/No (depends on Sources) 2

*\* The term "source" is synonymous with facility and for the purpose of this survey means the entire facility.*

3. If you answered yes to question #2, does your guidance pertain to Title V sources only, or to all sources regardless of size?

Title V sources only 4 All sources 20

4. How many Title V sources are located in your jurisdiction? 12,992\*

- Does not include Florida's 1201 Title V General Permit Sources
- Also, some respondents did not answer

How many non-Title V sources are located in your jurisdiction? (please count facilities only; do not include individual emissions units\*) 130,763\*

\*Does not include Florida's 274 non-title V general permit sources

*\* For the purpose of this survey, the term "emissions unit" means each separate piece of equipment/air pollution activity (i.e., boiler, spray booth, printing operation, etc).*

5. Does your agency require the submission of written pre-test notification and test protocol?

Yes 40 No 5 Not required, but can be  
Written or oral 1

6. How many stack tests\* (not counting opacity tests) were conducted by sources in your jurisdiction during CY2001?

<50 8 >50 12 >100 8 >250 18

*\* For purposes of this survey, each emissions unit that is tested constitutes a separate test, and each pollutant measured constitutes a separate test.*

7. What is the percentage of stack tests observed by your agency personnel?

<50 14\* >50 12 >90 21\*

\* City of Philadelphia checked both

8. What is the percentage of stack test results reports reviewed by your agency personnel?

<50 3 >50 7 >90 36

9. Are stack test frequency requirements typically specified in air permits to install and/or permits to operate?

Yes 42 No 4

10. If 'no' to question #9, are test frequency requirements specified in some other document, such as enforcement orders or rules?

Yes 1 No 3

If yes, please specify:

- Other than saying rules and order, respondents did not specify further

11. Please specify the minimum test frequency for emissions units at Title V sources in your agency:

<u>6</u>	Never
<u>6</u>	Once in lifetime of emissions unit (example: NSPS unit)
<u>4</u>	Annually
<u>12</u>	Once during Title V permit cycle
<u>2</u>	Twice during Title V permit cycle
<u>17</u>	Other (specify frequency):

- Facilities over 100 mmBTU are stack tested annually under NOx RACT policies. Other facilities tested as determined by agency
- Large MWIs every 6 months
- NOx RACT sources required testing every 3 years
- VOC RACT source utilizing compliant coatings with no controls device would never need stack testing
- Subpart FFFF MSW facilities test every year
- Other units require testing once and then we use statutory authority if we want to test again
- In accordance with regulations, which require at least initial performance testing and perhaps subsequent testing. Also upon request
- Emission unit dependent (range from never to twice/cycle)
- Generally, every 2.5 years. Additional testing may be required if test results marginally passed.
- Varying. As often as every 6 months
- (5) Varies. Depends on type of source and underlying requirements and regulations
- frequency is at discretion of permitting staff on case-by-case basis. No official guideline specifying frequency.
- Quarterly for catalytic converted engines or per NSPS frequency, and staggered at 6, 12, 24 and 48 month of permit issuance for Title V sources. For acid rain source, yearly CEM certification, and for all other sources that use CEMs, every 3 years.
- Wisconsin answered twice (once and never, for never, it's because some emissions units do not emit about their testing threshold)

- As deemed necessary at time of permit issuance – generally once per year with more frequent “tune ups” using combustion analyzer (calibrated).
- Varies with type of source
- Pittsburgh’s regulations require biannual emission testing of units that have allowable emissions of 100 tons/yr or more of SO<sub>2</sub>, VOC and PM. We have been requiring emission units that are somewhere between 50 and 100 tons to test at least once during the term of the permit.

12. What factors affect emissions units test frequency in your agency? (please check as many as are applicable):

_____ 39 _____	Compliance history of the emissions unit
_____ 1 _____	Lack of agency authority
_____ 2 _____	Lack of agency guidance
_____ 23 _____	Actual-to-allowable emission ratio by the emissions unit
_____ 41 _____	Presence of COM/CEM emission data for emissions unit
_____ 38 _____	Recent physical modifications or production rate increases to the emissions unit that result in actual emission increases
_____ 27 _____	Reference Method 9 data that indicate violations by the unit
_____ 28 _____	Compliance demonstrations by units subject to new rule promulgations
_____ 26 _____	Type of emissions unit (give specific examples):
_____	
_____	
_____ 20 _____	Size of emissions unit (define ‘large’ vs. ‘small’):
_____ 1 _____	Other – Actual emissions above threshold, which dictates frequency

13. If your agency has written stack testing guidance, please attach a copy to your survey response and check here \_\_\_25\_\_\_.

Two respondents are currently drafting written guidance

**COMPLIANCE CERTIFICATION QUESTIONS:**

1. What year did the Title V program become effective in your jurisdiction?

\_\_\_\_\_

- |            |             |            |
|------------|-------------|------------|
| 1992 – (1) | 1995 – (12) | 1998 – (2) |
| 1993 – (7) | 1996 – (9)  | 2001 – (2) |
| 1994 – (3) | 1997 – (3)  |            |

2. What year did the requirement for sources\* to submit yearly compliance certifications become effective in your jurisdiction? \_\_\_\_\_

- |            |            |            |
|------------|------------|------------|
| 1993 – (4) | 1996 – (7) | 1999 – (8) |
| 1994 – (1) | 1997 – (9) | 2000 – (1) |
| 1995 – (5) | 1998 – (6) | 2002 – (1) |

*\*The term source is synonymous with facility and for the purpose of this survey means the entire facility.*

3. How many Title V sources are under your jurisdiction? 12,992\*

- In California, local air districts have primary authority over stationary sources. CARB is not included in Title V sources' yearly compliance certifications programs and, therefore, did not answer any of the compliance cert questions.

4. How many final Title V permits has your agency issued to date? 8413

5. Number of compliance certifications submitted by sources with final Title V permits:

CY1999 1740\*      CY 2000 3725

*\*Wisconsin's compliance cert tracking was not well-developed for CY 1999*

6. Is the required date for submittal of yearly compliance certifications:

fixed 26      staggered 16

If fixed, state the date the certifications are due \_\_\_\_\_

7. Is your procedure for certifying compliance:

\_\_\_9\_\_\_ general, overall certification for the entire Title V permit; or

\_\_\_34\_\_\_ requires compliance statements specific to each term/condition of the permit

\_\_\_1\_\_\_ combination of above

\_\_\_1\_\_\_ point level

8. With respect to question #7, are you satisfied with your agency's compliance certification procedure?

Yes \_\_\_36\_\_\_

No \_\_\_6\_\_\_

Why not?

- Very cumbersome and time consuming; lack of guidance from EPA
- Different staff results in varying levels of quality of certification and review
- Many are just one statement
- Extensive deviation reporting is present within Title V program. To reiterate the compliance status of every term and condition in a Title V permit is a waste of time
- Although standard compliance cert format will be ready for distribution soon, the tracking (electronic) and review of compliance certs is not as smooth as it could be, in part due to lack of resources devoted to this element of the program, and also due to lack of detailed compliance cert guidance from EPA.

9. Are yearly compliance certifications submitted to you on time?

Always \_\_\_3\_\_\_ Usually \_\_\_40\_\_\_ Sometimes \_\_\_0\_\_\_ Never \_\_\_0\_\_\_

10. Who is responsible for the submission and substantive review of yearly compliance certification reports?

\_\_\_1\_\_\_ Permit staff

\_\_\_9\_\_\_ Facility inspection staff

\_\_\_9\_\_\_ Enforcement staff

\_\_\_11\_\_\_ Combination of above (please specify):

- Facility inspection staff and air compliance engineers

- Permitting and compliance and enforcement staff (4)
- Facility inspection and enforcement staff (4)
- Permit engineer and field inspector
- Compliance and enforcement staff

\_\_\_14\_\_\_ Other (please specify):

- Multimedia project engineers in enforcement and compliance division are responsible for all compliance assurance
- Compliance staff (3)
- Staff serve all functions (3)
- One specific staff person is assigned to a facility for all permitting, inspections and enforcement activities (5)
- End performance testing coordinator
- Regional staff perform all functions
- One unit is dedicated to form development, report review and tracking
- Facility inspection staff and air compliance engineers

11. Do yearly compliance certifications contain the necessary information to verify compliance?

Always \_\_\_3\_\_\_ Usually \_\_\_33\_\_\_ Sometimes \_\_\_6\_\_\_ Never \_\_\_1\_\_\_

- Pittsburgh responded that no certs have been due yet.

12. How would you characterize your yearly compliance certification process?

\_\_\_9\_\_\_ It is a central part of the compliance verification effort; or

\_\_\_32\_\_\_ It supplements other procedures used by your agency, and is duplicative of information received via compliance reports, inspection reports and stack test reports.

\_\_\_1\_\_\_ Something in between

- Pittsburgh is not sure since no compliance certs have been due, however, they expect it to be a central part of the compliance verification (for this reason, did not respond to questions 13-18)

13. Are enforcement actions initiated on the basis of yearly compliance certification data that indicate non-compliance status?

Yes \_\_\_33\_\_\_\* No \_\_\_9\_\_\_ (If 'no', why not?)

\*Some respondents elaborated on "yes" answered which are not summarized here.

Why not:

- Generally, the certifications are used to target inspections and enforcement actions based on the inspection results.
- Concerned about taking enforcement actions for self-disclosed non-compliance issues
- Not aware of any actions to date
- Typically, the certifications list deviations that by themselves have not risen to the level of an enforcement actions at this time
- Not always, depends on nature of non-compliance
- Yes and no – often agency is already aware of non-compliance and is addressing it. However if cert reveals other issues, sometimes enforcement actions will be taken (3)
- Certifications serve as a flag only. Companies may report non-compliance when they aren't sure if there is a problem or not. It's a flag for agency to look into a possible problem
- Generally, an on-site inspection is the required element for enforcement permit violations.

14. Are enforcement actions initiated for yearly compliance certifications that are not complete?

Yes 29 \*      No 14 (If 'no', why not?)

\*Some respondents elaborated on "yes" answered which are not summarized here.

Why not:

- Do letters of warning or NOV's
- Unsatisfactory/ incomplete certs are returned and sources told to resubmit (6)
- Not yet taking enforcement actions for inadequate certs, but may in future
- Sometimes, violations that have already been addressed through earlier enforcement actions are not re-reported. In these cases, it is not appropriate to take additional enforcement actions, or to require corrective action
- Compliance certs are not evaluated until complete
- Has not been necessary
- Compliance staff follow-up informally with sources to ensure that submittals are complete (letter, phone call, etc)

15. Are enforcement actions initiated for yearly compliance certifications that are not submitted within 60 days of the due date?

Yes 37      No 6 (If 'no', why not?)      No set date 1

Why not:

- Do letters of warning or NOV's

- Don't know of any to date
- State enforcement policy is followed
- Send request for submission, therefore, more than 60 days would elapse before any enforcement action taken
- Still a new procedure; this will be done in the future
- Staffing restrictions do not allow (high turnover, budget cuts and hiring freezes)

16. Are attempts made by agency staff to compare data submitted in yearly compliance certification forms to data submitted via other required compliance reports, inspection reports and stack test reports?

Yes 40 No 3 (If 'no', why not?)

Why not:

- Concerned about taking enforcement action for self-disclosed non-compliance issues
- Not enough resources to do in-depth analysis. Some cursory analysis with semi-annual report is done and excess emission reports. If staffing improves, and with the FCE requirement, this may change
- Staffing restrictions do not allow (high turnover, budget cuts and hiring freed)

17. How many sources did your agency determine to be out of compliance based upon yearly compliance certification data in \*

CY 1999 169 CY 2000 539  
 Zero 11 Zero 10

\*Texas did a detailed breakdown of their numbers, which are not included here. Also, did not include Minnesota's response because their numbers were based on semi-annual deviation reports.

18. How many staff hours per year are devoted to the yearly compliance certification program in your state or local agency (e.g., reviewing forms, verifying compliance status, follow-up enforcement actions)? 16,718 hours

\*three respondents answered in FTEs 7.5 FTEs total

\*one respondent answered 2 staff years

\*15 respondents do not track this info or do not break down this way

\*Texas and Arizona did very detailed breakdown of numbers, which are not included here.

19. Does your agency have written guidance for use by agency staff and industry as to what constitutes 'intermittent' versus 'continuous' compliance?

Yes \_\_\_ 12 \_\_\_      No \_\_ 30 \_\_\_

If 'yes', please attach a copy of your guidance to your survey response and check here \_\_\_\_\_

20. Other comments/suggestions pertaining to the yearly compliance certification program \_\_\_\_\_

---

---

---

---

---

---

**Missing West Virginia's responses for questions 17-20**

5/28/02

