Umbrella Monitoring Rule

Compliance/Enforcement Workshop
June 9 -10, 2004
Background

• Due to lawsuit, EPA in Sept 2002 proposed an interpretation of its P-70 monitoring rules

• EPA said: sufficiency monitoring (70.6 (c)(1)) and periodic monitoring (70.6 (a)(3)) were separate requirements

• Sufficiency monitoring applied only when periodic monitoring did not

• Proposed to delete a confusing phrase in 70.6(c)(1) that reads “consistent with paragraph a(3) of this section”
What Does Final Rule Say?

- On Jan 22, 2004, EPA published its Umbrella Monitoring rule. Key things to note:
  - UM rule says we are not finalizing the interpretation in the proposal
  - UM rule says both proposal and final rules are consistent with Act and for policy reasons it would be more efficient to improve monitoring thru rulemaking than case-by-case permits
  - UM rule says 70.6(c)(1) does not establish a separate basis for monitoring different from periodic monitoring
  - UM rule says 70.6(a)(3) requires permits to include monitoring in existing rules; CAM; and PM
Additional Rulemakings

• In the UM rule, EPA announced several related rulemaking actions
• An ANPR requesting comment to identify deficient monitoring in existing Federal and SIP rules
• A rule where EPA will propose periodic monitoring guidance
• Guidance on improving particulate matter monitoring in SIPs via the upcoming PM 2.5 implementation rule
What Has Been Fallout?

• Have there been requests to roll back monitoring?
• Are new permits being drafted with “less” monitoring?
• Do you get questions on what is periodic monitoring?
• Too early to tell?