

## MEMORANDUM

SUBJECT: Issuance of the Clean Air Act National Stack Testing Guidance

FROM: Michael M. Stahl  
Director  
Office of Compliance

TO: Regional Compliance/Enforcement Division Directors

Attached is a copy of the Clean Air Act National Stack Testing Guidance. It was developed by the Office of Compliance in conjunction with the Office of Regulatory Enforcement, the Regions, the Office of Air Quality, Planning and Standards, the Office of General Council, and the State and Territorial Air Pollution Program Administrators/Association of Local Air Pollution Control Officials (STAPPA/ALAPCO).

In September 2000, the Office of the Inspector General (OIG) criticized the Agency for not issuing national guidance on stack testing under the Clean Air Act (CAA), or providing sufficient oversight of state and local stack testing programs. The OIG concluded that this lack of guidance and oversight had an adverse effect on the use of stack testing as a tool in determining compliance.

In partial response to the concerns raised in the OIG report, the Office of Compliance issued the CAA Stationary Source Compliance Monitoring Strategy (CMS) in April 2001. It addressed the issues of testing frequencies and the reporting of test results. Please note, the Timely and Appropriate Enforcement Response to High Priority Violations (HPV Policy) issued by the Office of Regulatory Enforcement in December 1998 already provided guidance on how violations identified through stack testing should be addressed.

This guidance document was developed to address the remaining issues raised by the OIG, and thus focuses on those issues associated with the conduct of stack tests and the interpretation of the test results. For example, it addresses issues such as the time frames for conducting stack tests, the issuance of waivers, notification requirements, observation of tests, representative performance, and stoppages and postponements of tests. It does not supersede or alter existing requirements, nor does it impose any new legally binding requirements. It merely

clarifies the existing requirements under the NSPS, NESHAP and MACT programs.

I appreciate the assistance provided by your staff during the development of this policy, and look forward to your continued support as we begin implementing it. I believe that it will improve coordination and communication between EPA and state/local agencies on this important issue, promote national consistency, and enhance the use of stack tests as a compliance monitoring tool.

During the first year of implementation, this guidance will be treated as interim guidance to provide us with an opportunity to evaluate its usage and monitor any potential problems that may arise as individual states apply the provisions. If you or your staff have any questions concerning the policy, please contact Mamie Miller at 202-564-7011, or Rob Lischinsky at 202-564-2628.

Attachment

cc: Regional Air Compliance/Enforcement Branch Chiefs  
Director, AED, ORE  
Director, ESD, OAQPS  
Director, EMAD, OAQPS  
Inspector General, OIG  
Compliance and Enforcement Committee Co-Chairs, STAPPA/ALAPCO