

Umbrella Monitoring Rule

CAAAC Permits/Toxics
Subcommittee Meeting

March 23, 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
- SM applied only when PM 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
- UM rule said we are not finalizing the interpretation in the proposal
- UM rule says 70.6(c)(1) does not establish a separate basis for monitoring different from periodic monitoring
- Preamble 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

Why Called Umbrella Monitoring Rule?

- 70.6(c)(1) refers to the more specific monitoring provisions of 70.6(a)(3)
- 70.6(a)(3) requires permits to include monitoring in underlying rules; CAM, where applicable; and periodic monitoring - thus the “umbrella” nature
- CAM and PM would have to be sufficient to assure compliance

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