

## *MON Compliance Issues*

Startup, Shutdown and Malfunction  
Reporting  
Recordkeeping

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## *General Compliance Considerations*

- Plans and Reports Critical to Delineate Scope of MON Compliance Program
- Accuracy and Completeness Essential to Minimizing Exposure to Enforcement
- Certifications
- Timeliness
- Confidential Business Information

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## *Startup, Shutdown And Malfunctions 63.6(e), 63.2525(j)*

- Key Definitions
- General Duty
- SSM Plan Content and Procedures
- SSM Reporting and Recordkeeping

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## *Definition of "Startup"*

- Setting in operation of a continuous operation for any purpose
- First time a new or reconstructed batch operation begins production
- First time newly added equipment is put into operation
- First time a new product or process is run

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## *Definition of "Startup" for Batch Operations*

- First time equipment is put into operation at start of campaign if steps differ from startup of standard or nonstandard batch
  - "Startup encompasses actions to bring a campaign on-line, regardless of whether previous campaigns of that product have been run, or after a shutdown for maintenance"
- Routine action to put equipment into operation as part of a batch within a campaign is not startup

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## *Definition of "Shutdown"*

- Cessation of a continuous operation for any purpose
- Cessation of batch operation if steps differ from standard or nonstandard batch
- Emptying and degassing storage vessels
- Routine action to cease batch operations at end of campaign or between batches in campaign is not shutdown

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### ***Definition of “Malfunction”***

- Sudden, infrequent and not reasonably preventable failure
  - Process
  - Process equipment
  - Air pollution control or monitoring equipment
- Failures caused “in part” by poor maintenance or careless operations are not malfunctions

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### ***General Duty During SSM Periods – 63.6(e)(1)(i), 68 FR 32596 (May 30, 2003)***

- Reduce emissions “to the greatest extent” consistent with safety and good air pollution control practices
- Compliance with MACT standard sufficient but not necessary – “compliance with a properly drafted SSM plan” satisfies the general duty
- EPA: “a source will not be considered to have satisfied the duty to minimize emissions merely because it complied with an inadequate SSMP”
- EPA: General duty requires “review [of SSMPs] on an ongoing basis and . . . appropriate improvements to ensure that excess emissions are avoided”

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### ***SSM Plan Content***

- Implement general duty
- Describe processes for operating and maintaining source during SSM periods
- Correct malfunctions as soon as practicable
- Carveouts
  - Not required to include Group 2 emission points unless used in emissions average
  - For equipment leaks, SSM Plan need cover control devices only

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### ***SSM Plan Procedures***

- Develop by compliance date
- Revise as appropriate by source or as required by EPA
- Revise within 45 days of an event qualifying as a malfunction but not included in the SSM plan
- Maintain on site with copies retained for five-year period
- Submit to EPA promptly on request

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### ***SSM Plan Revisions***

- Revisions to be reported in semiannual compliance report
- Revisions altering scope of activities constituting SSM or modifying applicability of a MON requirement takes effect only following written notice

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### ***Reporting During SSM Periods – 63.2520(e)(4), (e)(5)(iii)***

- Reporting to be made in semiannual compliance report -- immediate SSM reporting not required
- Applicable to SSM periods during which excess emissions occur
- Records that SSM Plan procedures were followed
- Documentation of actions inconsistent with SSM plan
- Brief description of each malfunction

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### ***Recordkeeping of SSM Periods – 63.998(c)(1)(ii)(D)-(G), 63.998(d)(3)***

- Records of each SSM period during which excess emissions occurred
  - Occurrence and duration
  - Records that SSM plan was followed
  - Documentation of actions inconsistent with SSM plan
- Records of CMS SSM events specifying absence of excess emissions

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### ***MON Reporting and Recordkeeping***

- Key Notifications and Reports
- Other Reports
- Recordkeeping
- Waiver of Recordkeeping/Reporting – 63.10(b)(2)(xii), 63.10(f)
  - Written application containing information considered useful by owner/operator
  - Required showing of compliance or suitable progress
  - Recordkeeping supporting waiver may be required

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### ***Key Notifications and Reports***

- Initial Notification
  - March 2004
- Precompliance Report
  - May 2006
- Notification of Compliance Status Report
  - April 2007
- Semi-Annual Compliance Report
  - August 2007
- Other Notifications and Reports
  - 60 Days Advance Notice

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### ***Initial Notification – 63.9(b), 2515(b)***

- Purpose
  - Alert appropriate agencies of existence of affected source and anticipated future compliance actions
- Content
  - Brief description of the nature, size, design and method of operation of the source
  - Identification of the types of emission points
  - Identification of the types of HAPs emitted
- Timing
  - 120 Days after Effective Date or 120 Days after New Source Becomes Subject to MON

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### ***Precompliance Report – 63.2520(c)***

- Approval requests; EPA to act within 90 days
- Due at least 6 months prior to compliance date, or for new sources, with the application for approval of construction or reconstruction

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### ***Content of Precompliance Report***

- Operating limits for parameters other than those specified in the MON
- Setting monitoring parameters outside those established during performance test (63.2460(c)(3))
  - Test conditions, data and calculations used to develop the limit
  - Description of why limit indicates proper operation of control device
- Use of P2 alternative
  - P2 demonstration plan under 63.2495(c)(1)

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### ***Content of Precompliance Report***

- Use of engineering analysis to calculate uncontrolled emissions under 63.1257(d)(2)(ii)
  - Used to meet other regulatory obligations
  - No effect on applicability or compliance determinations
- Periodic verification for control devices handling less than 1 tpy of HAP emissions
  - Supporting rationale for compliance verification in absence of continuous measurement under 63.2460(c)(5)
  - Operating limits
  - Measurement frequency

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### ***Notification of Compliance Status Report – 63.9(h), 63.10(d)(2), 63.2520(d)***

- Purpose
  - Comprehensively describe the affected source and the strategy being used to comply
  - Provide mechanism for establishing and reporting compliance obligations
  - NOTE: NOCS including the results of nonapplicability determinations is required for all affected facilities, even if no sources are subject to controls (63.2520(d)(2)(i))
- Timing
  - Due by 150 days after compliance date

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### ***Content of NOCS***

- Threshold Determinations
  - Results of applicability determinations, emission calculations, or analyses used to identify/quantify HAP emissions
  - Identification of overlapping MACT requirements and source's election for emission points
  - Specified records relating to process units used to create a PUG and calculations of initial primary product of PUG (63.2535(l)(1)-(3))
  - Identification of storage tanks complying via the vapor balancing alternative

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### ***Content of NOCS***

- Monitoring Information Relating to Initial Compliance
  - Emissions profiles
  - Performance tests (including description of sampling/analysis and QA/QC procedures)
  - Engineering analyses
  - Design evaluations
  - Other calculations or measures to demonstrate initial compliance
  - Descriptions of monitoring devices and frequencies and operating limits (with supporting data) established during initial compliance demonstrations

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### ***Content of NOCS***

- Process Information
  - All operating scenarios
  - Descriptions of worst case operating and/or testing conditions for control devices
  - Specified information on processes subject to the work practice standard for equipment leaks (63.1039(a)(1)-(3))

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### ***Semi-Annual Compliance Report – 63.2520(b), (e)***


- Statement by responsible corporate official certifying to accuracy of the report
- Timing
  - Coverage Period of First Report: Compliance Date to Whichever of June 30 or December 31 Occurs 6-12 Months After Compliance Date
  - Report Due Two Months Later (August 31 or February 28)
  - Subsequent Reports Due Semi-Annually
  - Permitting Authority Dates Govern if Different

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### *Content of Compliance Report*

- Information on Deviations
  - Statement that there was no failure to meet emissions limits, operating limits, and work practice standards (including during SSM periods)
  - Non-CMS deviations: (1) total operating time of affected source; (2) number, duration, cause and corrective action; (3) operating logs for days of deviation, except for deviations of work practice standards for equipment leaks
  - CMS deviations: detailed information specified in 63.2520(e)(5)(iii)(A)-(L), including duration, identification of HAPs, and operating logs for days of deviation


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### *Content of Compliance Report*

- Information on Changes
  - New operating scenarios
  - Revised operating scenarios for existing processes
  - Include verification that
    - (1) operating conditions for any associated control or treatment device have not been exceeded and
    - (2) required calculations have been performed


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### *Content of Compliance Report*

- Information on Changes
  - Process change (ie, a change not within the scope of an existing operating scenario or within a range of conditions specified in a standard batch)
    - description of the process change
    - revisions to information in original notification of compliance status report
    - detailed information on addition of processes or equipment
  - NOTE: Immediate reporting not required


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### *Content of Compliance Report*

- Information on Changes
  - Records on process units added to a PUG
  - Records of primary product redeterminations


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### *Content of Compliance Report*

- Other Information
  - Reports of SSM during which excess emissions occurred
  - Statement that there were no out of control periods of the CEM
  - Reports of LDAR program
  - Results of tank and wastewater management unit inspections
  - Reports of CVS bypass and/or car seal breaks


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### *Notification Of Process Change Report – 63.2520(e)(10)(ii)*

- Report providing 60 days advance notice:
  - change to information in the precompliance report
  - any change in status of a control device from small to large
  - a change from Group 2 to Group 1 for any emission point


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### ***Performance Notifications***

- Performance Tests – 40 CFR 63.7(b), 63.9(e), 2515(c)
  - Notification required 60 days in advance
  - Test plan and emission profile to be included for initial compliance procedures for batch process vents
- CMS Performance Evaluations – 40 CFR 63.8(e), 63.9(g)
  - Notification required 60 days in advance

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### ***Recordkeeping***

- General Requirements
- Nonapplicability Determinations
- Supporting Documentation for Reports
- Operating Scenarios
- Compliance Measurements
- Equipment Records

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### ***General Recordkeeping Requirements – 63.10(b)(1)***

- Maintain at least 5 years
- Maintain at least 2 years on site
- Option of computers or media
- May be physically located off-site (eg in a central server) provided that they are accessible on-site
- “Suitable and readily available for expeditious inspection and review”

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### ***Records for Nonapplicability Determinations – 63.10(b)(3)***

- Triggered where source emits HAPs and is in covered source category, but is not subject to standard based on PTE or exclusion
- Maintain records on-site for 5 years or until site changes its operations to become an affected source
- Signed by person making determination
- Analysis/information demonstrating nonapplicability sufficient for an EPA finding

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### ***Documentation Supporting Initial Notifications and Notifications of Compliance Status – 63.10(b)(2)(xiv)***

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### ***Records of Each Operating Scenario – 63.2525(b)***

- Description of process and type of process equipment
- Identification of related process vents (including emissions episodes), wastewater PODs, storage tanks and transfer racks
- Applicable control requirements including level of required control
- For vents, level of control for each vent
- Control device or treatment process used and operating/testing conditions

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### ***Records of Each Operating Scenario – 63.2525(b)***

- Process vents, wastewater POD, transfer racks and storage tanks (including those from other processes) simultaneously routed to the control device or treatment processes
- Applicable monitoring requirements and parametric levels assuring compliance
- Calculations/engineering analyses to demonstrate compliance

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### ***Schedule or Log of Operating Scenarios - 63.2525(c)***

- To be updated each time a different operating scenario is put into operation

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### ***Records of Compliance Measurements – 63.10(b)(2)(vii)-(ix)***

- All required measurements needed to demonstrate compliance (including CMS data, results of performance tests, performance evaluations)
- Measurements necessary to determine conditions of performance tests, performance evaluations
- CEMS data – special provisions at 63.10(b)(2)(vii)(A)-(B)

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### ***Group 1 Batch Process Vent Recordkeeping - 63.2525(d)***

- Where some vents are controlled to less than the percent reduction requirement:
  - Records of whether each batch was considered to be a standard batch
  - For nonstandard batches, the estimated controlled and uncontrolled emissions

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### ***Group 2 Batch Process Vent Recordkeeping - 63.2525(e)***

- For purposes of Group 2 thresholds
  - Day each batch was completed and whether each batch was a standard batch
  - Estimated controlled and uncontrolled emissions for nonstandard batches
  - Records of daily 365-day rolling summations of emissions, calculated at least monthly
- No records required if notification of compliance status report documented that the MCPU does not process, use or produce HAP

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### ***CMS Recordkeeping***

- Records of CPMS calibration checks and maintenance - 63.998(c)(1)(ii)(A), 63.2450(k)(1), 63.2525(g)
- Records for CEMS - 63.10(b)(2)(vi), (x), (xi), 63.2525(h)
  - Date and time that deviation started and stopped and whether it occurred during an SSM period
  - Period during which CEMS is malfunctioning or inoperative
  - CEMS calibration checks
  - Adjustments and maintenance performed on CEMS
  - Calculations for primary product determination and redetermination

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### *Equipment-Specific Recordkeeping*

- Records of maintenance of air pollution control equipment - 63.10(b)(2)(iii)
- Records of each time a safety device is opened to avoid unsafe conditions - 63.2525(f)
- Bag leak detectors for fabric filters - 63.2525(k)
  - Date and time of bag leak detection alarms
  - Brief explanation of cause and corrective action

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### *Records Relating to PUGs - 63.2525(i)*

- Descriptions of MCPU and process units in initial PUG and any added process units
- Rationale for inclusion in initial PUG – identification of overlapping equipment
- Calculations used to determine primary product and any redetermination

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### *Records Relating to Alternative Standard of 63.2505 – 63.10(b)(2)(xiii), 63.10(c)(1)-(6), (9)- (15), 63.10(e)(1), 63.10(e)(2)(i)*

- Emissions levels
- CMS data and operational information

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