

OFFICE OF AIR QUALITY PLANING AND STANDARDS GUIDELINE DOCUMENT

REQUESTS FOR APPROVAL OF AN ALTERNATIVE EMISSIONS LIMITATION FOR THE ASBESTOS NESHAP 40 CFR PART 61 SUBPART M

INTRODUCTION

This guideline addresses requests for an alternative emissions limitation for the National Emission Standard for Hazardous Air Pollutants for Asbestos (the Asbestos NESHAP). The Asbestos NESHAP is in 40 CFR part 61, subpart M. The Environmental Protection Agency (EPA) alternative emissions limitation approval authority rests with the EPA and has not been delegated to the States (see 40 CFR section 61.157).

The EPA must receive all requests for alternative methods of emissions limitation and approve the method(s) before they are used. Actions that do not meet the requirements of the Asbestos NESHAP are a violation of the rule, and the source may not make a request to have these actions approved as a method of alternative emissions limitation after the fact.

BACKGROUND

The regulatory authority for approval of requests for an alternative emission limitation is provided in the general provisions of the Part 61 NESHAP, specifically 40 CFR section 61.12(d)(1) through (3). The relevant regulatory text is:

(d)(1) If, in the Administrator's judgment, an alternative means of emission limitation will achieve a reduction in emissions of a pollutant from a source at least equivalent to the reduction in emissions of that pollutant from that source achieved under any design, equipment, work practice or operational standard, the Administrator will publish in the FEDERAL REGISTER a notice permitting the use of the alternative means for purposes of compliance with

the standard. The notice will restrict the permission to the source(s) or category(ies) of sources on which the alternative means will achieve equivalent emission reductions. The notice may condition permission on requirements related to the operation and maintenance of the alternative means.

(2) Any notice under paragraph (d)(1) shall be published only after notice and an opportunity for a hearing.

(3) Any person seeking permission under this subsection shall, unless otherwise specified in the applicable subpart, submit a proposed test plan or the results of testing and monitoring, a description of the procedures followed in testing or monitoring, and a description of pertinent conditions during testing or monitoring.

REVIEW PROCESS AND ACCEPTANCE CRITERIA

The EPA anticipates they will rigorously review a request for a change in the method of emissions limitation. The current asbestos NESHAP emission limitations require in part that there be no visible emissions (visible emissions of particulate are assumed to contain asbestos) and were designed to prevent the release of any asbestos to the environment. When reviewing requests for alternative methods of emissions limitation, factors the Agency will consider may include:

- Whether the proposed alternative method of emissions limitation would minimize the release of asbestos to the environment and produce no visible emissions.
- Whether the alternative method would control asbestos emissions to a level that is equivalent to currently required methods.
- Whether the alternative method is suitable for the intended applications.
- Whether the alternative method violates other regulations.

- Whether the alternative method results in increased water pollution, land pollution, or occupational hazards.

These factors are specifically mentioned in the regulation at 40 CFR section 61.149(c)(2).

To facilitate the EPA's review, the Agency encourages parties requesting an alternative emissions limitation to identify any compelling reasons prompting the request, e.g., the reason that this alternative is necessary. Examples of supporting reasons include allowing for new technology or approaches for improved environmental performance. Most importantly, the EPA encourages submittal of substantive technical support information, such as direct comparisons with existing emission limitations requirements and/or detailed and documented test procedures.

SPECIFIC CONTENT OF REQUEST

A complete letter of request for an alternative emissions limitation approval should include:

- Name(s), location(s), and affected units for facilities to which requested testing alternative would apply.
- Detailed description of the alternative emissions limitation procedure(s).
- Justification for alternative procedure (see discussion in section on Process and Acceptance Criteria above), including all supporting test data.
- Requestor's name, address, telephone number, and e-mail address, in order to allow timely contact should the request be deficient or need clarification.

Submit complete requests for review of alternative test methods to:

Leader, Minerals and Manufacturing Group
Office of Air Quality Planning and Standards
U.S. Environmental Protection Agency (Mail Code D243-04)
Research Triangle Park, NC 27711

Questions regarding these procedures should be directed to Susan Fairchild at 919-541-5167 or fairchild.susan@epa.gov.