FREQUENTLY ASKED QUESTIONS

RECONSIDERATION OF NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR CHEMICAL MANUFACTURING AREA SOURCES (CMAS)

Title V

Q: Please summarize the requirements for needing to obtain a Title V permit.

A: A facility is required to obtain a title V permit if it installed (or installs) a federally-enforceable control device on an affected chemical manufacturing process unit (CMPU) and that control device is necessary to maintain the facility's emissions at area source levels. In other words, if a facility is a synthetic area source by virtue of a control device installed on an affected CMPU, regardless of whether the control device captures emissions of organic or metal hazardous air pollutants (HAP), the facility is required to obtain a title V permit. Title V is required by the CMAS rule only for the affected CMPU and not necessarily the entire facility, although individual state/local permitting authorities may require that the entire facility be permitted under title V. If a facility restructures its minor source permit in order to rely solely on production limits and/or control devices on non-affected CMPUs, the facility would not be subject to the title V requirement.

Q: When must a facility now subject to the December 21, 2012, CMAS final rule submit a complete Title V permit for CMPUs subject to CMAS? What about a facility with an affected CMPU that may trigger the Title V permit requirement in CMAS at some point in the future?

A: A facility now subject to the CMAS rule and required by the rule to obtain a title V permit must submit a complete title V permit application by December 21, 2013. A facility that undergoes a modification and, as a result, becomes subject to the title V permitting requirement after December 21, 2012, must submit a complete title V permit application within 12 months after becoming subject to title V. See 40 CFR 70.5(a)(1).

Leak Detection Inspections

Q: Could EPA provide more detail as to what the leak detection inspection provisions require, or identify other area source rule leak detection inspection requirements that could be used as guidance in understanding the requirements?

A: The leak detection inspection provisions of 40 CFR Part 63, subpart BBBBBB are similar to those required by the CMAS rule. For CMAS inspections, detection methods incorporating sight, sound, and smell are acceptable. A log book should be used and should be signed by the owner or operator at the completion of each inspection. A section of the log book should contain a list, summary description, or diagram(s) showing the location of all equipment subject to the inspection requirement in the affected CMPU.

Q: Is the leak detection inspection requirement limited to affected CMPU vessels and equipment with Table 1 metal HAP or Table 1 organic HAP that are present at §63.11494 applicability levels?

A: No, the leak detection inspection requirement is applicable to all affected CMPU vessels and equipment that are "in organic HAP service" or "in metal HAP service." See 40 CFR 63.11495(a)(3).

Q: What compounds should one look for in the leak detection inspection (i.e., All HAP? Only metal HAP? Only organic HAP?).
A: A CMPU that is subject to the CMAS rule due to the presence of metal HAP is only required to look for leaks of metal HAP (including those not listed in Table 1). A CMPU that is subject to the CMAS rule due to the presence of organic HAP is only required to look for leaks of organic HAP (including those not listed in Table 1). A CMPU that is subject to the CMAS rule due to the presence of both organic and metal HAP is required to look for leaks of both organic and metal HAP (including those not listed in Table 1).

Q: If a facility has metal HAP that is not in particulate form, can it utilize Method 21 in lieu of an AVO (auditory, visual, and olfactory) inspection?
A: Yes, a facility that has metal HAP that is not in particulate form can utilize Method 21 in lieu of an AVO inspection. However, other organic HAP or VOC must be present with the metal HAP such that Method 21 would be able to detect a leak (defined as 500 ppm in §63.11495(a)(3)(iii).

Q: Is the inspection limited only to equipment "in HAP service" or to all equipment in the CMPU?
A: The leak detection inspection is limited only to equipment "in organic HAP service" or "in metal HAP service."

Q: Are vessels containing only soluble metal HAP subject to inspection?
A: Yes, vessels that contain only soluble metal HAP are subject to the leak detection inspection requirements of §63.11495(a)(3).

Q: Assuming a CMPU is subject to CMAS, is equipment in that CMPU that contains a HAP only as an impurity subject to inspection?
A: No, equipment that only contains HAP as an impurity are not considered to be "in organic HAP service" or "in metal HAP service," and therefore are not subject to the leak detection inspection requirements.

Notifications

Q: When must pre-test notification of a performance test for a batch vent non-flare control device be submitted?
A: A 60-day pre-test notification is required before the performance test of a metal HAP control device. A 30-day pre-test notification is required before the performance test of an organic HAP or halogen control device.

Q: When are the Notice of Compliance Status (NOCS) reports due?
A: For facilities not required to conduct a performance test or that opt to conduct a design evaluation in lieu of a performance test, the NOCS report is due 60 days after the compliance date of the CMAS rule, as per §63.9(h), which makes the NOCS report due May 20, 2013. For facilities that conduct a performance test, the NOCS report is due 60 days after the performance test is conducted. This performance test must be performed within 180 days of the compliance date of the CMAS rule, or September 17, 2013.

Storage Tanks

Q: Please clarify the requirements for storage tanks in Table 5; the reference to §63.982(c) is confusing.

A: Storage tanks subject to the requirements of §63.982(c) are required to comply with §63.985, as referenced by §63.982(c)(1). No other requirements of 40 CFR Part 63, subpart SS are applicable. The leak detection inspection requirements of §63.11495(a)(3) are still applicable to the closed-vent system conveying emissions from the storage tank to a control device.

Metal HAP

Q: Please clarify the requirements for heat exchange and wastewater systems for CMPUs subject to CMAS solely because of the use of Table 1 metal HAP.

A: For a CMPU subject to the CMAS rule solely because of the use of Table 1 metal HAP, the requirements for heat exchange and wastewaters systems do not apply.

Q: Note that the definition of "metal HAP process vent" has been revised to require that an affected CMPU must contain at least "50 ppmv metal HAP." §63.11502(b). However, particulates cannot be measured in ppmv. Please clarify what the correct value for particulates should be.

A: For particulate metal HAP, a threshold of 50 μg/dscm should be used instead of the 50 ppmv value.

Performance Tests

Q: Are the worst-case conditions and emission profile aspects all that is required to comply with §63.1257(b)(8) (as referenced by §63.2460(c)(2)(ii) from §63.11496(g)(8))?

A: Testing must be conducted under worst-case conditions (as required by §63.1257(b)(8)(i) and (iii)) and emission profiles for the process vent under worst-case conditions must be established (as required by §63.1257(b)(8)(ii)).