Rules

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As necessary EPA will adopt new or modify existing regulations to carry out other provisions of section 172(c). For further information on potential changes to 40 CFR part 51 with respect to SO₂, see the separate section entitled "Regulation Revisions." Also, as noted earlier under section 193, anything in part 51 that is inconsistent with the 1990 Amendments is superseded even if EPA has not yet revised the regulations.

b. Reasonably Available Control Measures (Including Reasonably Available Control Technology). Section 172(c)(1) requires SIP's to "provide for the implementation of all reasonably available control measures (RACM) as expeditiously as practicable (including such reductions in emissions from existing sources as may be obtained through the adoption, at a minimum, of reasonably available control technology (RACT)) and shall provide for attainment of the national primary ambient air quality standards. Historically, EPA has defined RACT as "the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (Strelow, 1976)." In the case of a new 5minute SO₂ NAAQS, EPA believes that RACT should be interpreted in accordance with EPA's long-standing interpretation.

The EPA notes that, as the sources of any violations of a new SO2 NAAQS should be readily identifiable, there should not be any questions about the identity of the sources to which RACT should be applied. Thus, in the case of a new SO₂ NAAQS, compliance with EPA's general recommendation that available control technology be applied to those existing sources in the nonattainment area that are reasonable to control in light of the attainment needs of the area and the feasibility of such controls should be readily achieved (EPA 1992c, n. 20, 57 FR 13541).

While a plan must require the implementation of RACM needed to attain within the statutory timeframes, it need not require the adoption of all available control measures if it demonstrates attainment as expeditiously as practicable without the adoption of all measures. The EPA believes it would be unreasonable to require that a plan which demonstrates attainment include all technologically and economically available control measures if such measures would not expedite attainment. Thus, it is possible that some available control measures may not be "reasonably" available, and not required by RACM, because their

implementation would not expedite attainment (EPA 1992c, 57 FR 13543).

In addition to available control technology that should be fully considered in identifying RACT for purposes of the current SO₂ NAAQS, RACT for purposes of a new 5-minute NAAQS would also include consideration of maintenance and process operating procedures at SO₂ sources that will achieve the new NAAQS within the statutory timeframes. The EPA believes that such available control measures should be fully assessed, in light of the general guidance above, in determining RACM (including RACT) for purposes of implementing a 5-minute SO₂ NAAQS.

c. Emission Inventory. Section 172(c)(3) states that the SIP shall include a comprehensive, accurate, current inventory of actual emissions from all sources of SO₂ in the nonattainment area and that EPA may require periodic revisions of the inventory as determined necessary to assure that the requirements of part D are met. Typically for most nonattainment areas, determining the nature and extent of specific control strategies needed requires an emissions inventory. Also, typically, an emission inventory should be based on measured emissions or documented emission factors. The more comprehensive and accurate the inventory, the more effective the control evaluation.

However, in terms of a new 5-minute NAAQS, measured emissions or emission factors for the probable sources of 5-minute NAAQS exceedances, process upsets, equipment malfunctions, batch processes, startup/ shutdown, and fugitive emissions, are almost nonexistent. It is anticipated that most nonattainment areas for the 5minute SO₂ NAAQS will be defined by a single source as measured by a monitor or monitors close to the source. Thus, in most cases, the part D SIP for a nonattainment area will fulfill the inventory requirements of section 172(c)(3) by identifying the source around which the monitors were located and which may have caused the monitored problem. In situations where it is technically feasible, emission estimates should be made using emission measurements or factors.

d. Control Strategy Demonstration. The EPA has historically required dispersion modeling for setting emission limits. However, because of the limitations of models in predicting 5-minute concentrations, other methods may have to be used. Control strategy demonstrations may have to rely on monitors as evidence of adequacy of the implemented emission reductions as being protective of the 5-minute NAAQS. In certain cases, the monitors may be used for setting the emission limits. The EPA intends to rely on section 11.2.2 of the Modeling Guideline which addresses requirements for using monitoring networks to set emission limits.

e. Reasonable Further Progress. As stated in the General Preamble (57 FR 13547), section 171(l) of the amended Act defines reasonable further progress as "such annual incremental reductions in emissions of the relevant air pollutant as are required by this part (part D) or may reasonably be required by EPA for the purpose of ensuring attainment of the applicable national ambient air quality standard by the applicable date." This definition is most appropriate for pollutants which are emitted by numerous and diverse sources, where the relationship between any individual source and the overall air quality is not explicitly quantified, and where the emission reductions necessary to attain the NAAQS are inventorywide. The definition is generally less pertinent to pollutants such as SO₂, particularly for the proposed new NAAQS, which usually have a limited number of sources, relationships between individual sources and air quality which are relatively well defined, and emissions control measures which result in swift and dramatic improvement in air quality. That is, for SO₂, there is usually a single "step" between pre-control nonattainment and post-control attainment.

Therefore, for a new 5-minute SO₂ NAAQS, with its discernible relationship between emissions and air quality and significant and immediate air quality improvements, RFP will continue to be construed as "adherence to an ambitious compliance schedule.' The compliance schedule for a new 5minute NAAQS could consist of implementation of a maintenance program where the source of emissions is due to frequent malfunction of a control device. The SIP's which require RFP as just described for an SO₂ nonattainment area will be considered as meeting the requirements of section 172(c)(2).

f. Permits for New and Modified Major Stationary Sources. Section 172(c)(5) of the Act states that the SIP shall require permits for the construction and operation of new or modified major stationary sources (i.e., stationary

⁵U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, "Guidance Document for Correction of Part D SIP's for Nonattainment Areas," (Research Triangle Park, North Carolina, January 27, 1984), page 27.