

## Ohio EPA

### Division of Air Pollution Control

#### Engineering Guide #33

##### Question:

What is the role of the field office in evaluating and processing a written request [submitted pursuant to paragraph (A)(3) of OAC rule 3745-15-06] to operate an air contaminant source during “scheduled maintenance” of any associated air pollution control equipment, and where should the final approval or denial of such request come from? Also, what is the proper procedure for evaluating and processing such a request? (These questions were submitted by Rich Barber of the CDO on August 6, 1980.)

##### Answer:

The field offices have the primary responsibility for evaluating a written request [submitted pursuant to paragraph (A)(3) of OAC rule 3745-15-06] to operate an air contaminant source during “scheduled maintenance” of any associated air pollution control equipment. Only the Director of Ohio EPA has the authority to approve requests made pursuant to OAC rule 3745-15-06.

The proper procedure for evaluating a written request to operate an air contaminant source during “scheduled maintenance” of any associated air pollution control equipment involves first determining whether or not such request was timely submitted and whether or not it contains the information necessary to satisfy items (a) through (f) of paragraph (A)(3). A request is timely and considered “scheduled maintenance” if it is made at least two (2) weeks prior to the planned shutdown (or bypass) of the air pollution control equipment. If a request is not timely submitted, it is considered to be unacceptable and should be handled in accordance with paragraph (B) of OAC rule 3745-15-06. (Although a late submission is legally a violation of the rule, the field office may need to exercise enforcement discretion, e.g., in cases where the request was only one day late and it is otherwise an acceptable submission.) The request must also adequately address the information required in items (a) through (f) of paragraph (A)(3). The following discussion provides guidance for evaluating such requests:

Item (a):

“Identification and location of the specific source for which air pollution control equipment will be taken out of service. The identification shall include the Ohio EPA facility identification number;”

This is the 10-digit facility and emissions unit(s) identification numbers.

Item (b):

“The expected length of time that the air pollution control equipment will be taken out of service.”

An acceptable response to this item would be the minimum amount of time necessary to adequately perform the required maintenance in accordance with good engineering practice. There is no way to explicitly quantify what would represent a minimum amount of time necessary to perform various maintenance tasks in accordance with good engineering practice. It will be necessary for the field office to exercise good judgment, on a case-by-case basis, in making an evaluation of the acceptability or unacceptability of a particular response under this item. Sources of information which could be considered in determining the acceptability of a response would include:

(1) the actual length of time needed to perform identical maintenance on the same or similar equipment at the facility during previous scheduled maintenance or malfunction episodes;

(2) the actual length of time needed to perform identical maintenance on the same or similar equipment at other facilities during previous scheduled maintenance or malfunction episodes;

(3) the expected length of time (if given) needed to perform identical maintenance on the same or similar equipment as reported in any previous maintenance program filed by the entity under the provisions of paragraph (D) of OAC rule 3745-15-06;

(4) the expected length of time (if given) needed to perform identical maintenance on the same or similar equipment as reported in any preventive maintenance program filed by other entities under the provisions of paragraph (D) of OAC rule 3745-15-06; and

(5) the expected or actual length of time needed to perform identical maintenance on the same or similar equipment as determined by contacting equipment vendors or the USEPA.

Item (c):

“The nature and estimated quantity of emissions of air contaminants which are likely to occur during the shutdown period.”

A satisfactory response to this item would consist of (1) identifying each type of air contaminant (in terms of the criteria or regulated air contaminants such as PM<sub>10</sub>, SO<sub>2</sub>, VOC, Pb, Be, HAPs, etc.) and (2) estimating the quantity (in terms of pounds per hour at maximum and average source operating conditions) of each type of air contaminant which is likely to be emitted during the shutdown period. The field office should review this information to determine if it is reasonably accurate. The evaluation of this information should also include an analysis of whether or not the emission of air contaminants during the shutdown period would:

- (1) interfere with the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS), and/or
- (2) endanger or tend to endanger the health or safety of the public living in the vicinity of the source.

The field offices may request the Air Quality Modeling and Planning Section to perform computer modeling in order to assess the air quality impact of any major emissions source during the shutdown (or bypass) period. If such modeling indicates that the emissions during the shutdown (or bypass) period would severely impact ambient air quality or if such emissions would endanger the health or safety of the public (using the same kinds of evidence as used to show a violation of the nuisance provisions of OAC rule 3745-15-07), then the entity's request would be unacceptable. (Note that those requests, which may require computer modeling work, should be submitted well in advance of the date of the scheduled maintenance in order to provide the time for the modeling work. If there is not enough time to perform the modeling work prior to the scheduled maintenance, such maintenance will have to be postponed.)

Item (d):

“Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period.”

The key to the acceptability of the entity's response to this item is that the entity will take all of the technically feasible and economically reasonable measures to minimize the length of the shutdown (or bypass) period. Again, the field office will have to exercise good judgment, on a case-by-case basis, in determining whether or not the entity's reported measures are all of the technically feasible and

economically reasonable measures available to them. Some examples of potentially acceptable measures are:

- (1) transferring maintenance personnel and equipment from nonessential production operations;
- (2) use of maintenance personnel and equipment during plant shutdown periods such as weekends and third shifts;
- (3) purchase of replacement parts prior to shutdown (or bypass) period if possible; and
- (4) hiring special contractors to perform a portion or all of the maintenance work.

Finally, the field office should compare the measure(s) listed in the entity's request to those which may have already been used or committed to be used in 1) previous scheduled maintenance or malfunction episodes, 2) preventive maintenance programs, and 3) contacts with equipment vendors or the USEPA.

Item (e):

"The reasons that it will be impossible or impractical to shut down the source operation during the scheduled maintenance period;"

This is the most important item of those listed in paragraph (A)(3) of OAC rule 3745-15-06. An acceptable response to this item would be one that clearly shows that it is technically infeasible or economically unreasonable to shut down the source operations during the scheduled maintenance period. The above rule does give one example, i.e., "...where a complete source shutdown may result in damage to the air pollution sources...", which will generally meet this criterion although the Director is not obligated to accept it. For cases other than this, the field office will have to exercise good judgment, on a case-by-case basis, in determining the acceptability or unacceptability of the company's reasons. The following reasons are potentially acceptable:

- (1) damage may result to other process equipment (e.g., where fuel-burning equipment must be operated in order to produce power to charge a process which would otherwise be seriously damaged);
- (2) significant, adverse economic impact would result from lost production and lost wages due to layoffs; and

(3) continuous operation of the source is required for public health reasons (e.g., for space heating).

In order to have an acceptable response to this item, an entity must also explain why the maintenance of the control equipment cannot be deferred or postponed until the next scheduled shutdown of the source occurs.

Item (f):

“A demonstration that all feasible interim control measures will be taken to reduce emissions from the source during the shutdown period.”

A satisfactory response to this item would be one which demonstrates that all technically feasible and economically reasonable interim control measures will be taken to reduce emissions during the shutdown (or bypass) period. Here also it will be necessary for the field office to exercise good judgment, on a case-by-case basis, in making an evaluation of these measures. Again, good judgment would, for example, include a comparison of the reported interim control measures to 1) those which may have already been used or committed to be used in previous scheduled maintenance or malfunction episodes, or in preventive maintenance programs, 2) those recommended by equipment vendors or the USEPA. The following list gives some examples of potentially acceptable interim control measures:

- (1) operation of the source during the scheduled shutdown (or bypass) period would be in accordance with a formal operation and maintenance (O & M) plan, preventive maintenance and malfunction abatement plan (PM& MAP), or compliance assurance monitoring (CAM) plan;
- (2) baghouse maintenance would be performed on a compartment-by-compartment basis in order to provide some degree of control during the shutdown period;
- (3) alternate sources, which are in compliance with applicable laws, would be used as much as possible in lieu of the emissions unit(s) affected by the maintenance of the air pollution control equipment;
- (4) primary control equipment (such as multiple cyclones), where available, would continue to be used in cases where the secondary control equipment is undergoing scheduled maintenance;
- (5) cleaner fuels would be used during the interim period; and
- (6) the production rate of the source during the shutdown (or bypass) period

would be minimized to the extent possible.

The proper procedure for processing a written request (pursuant to paragraph (A)(3) of OAC rule 3745-15-06) to operate an air contaminant source during “scheduled maintenance” of any associated air pollution control equipment is discussed in the following paragraphs.

If, once the field office has made an evaluation of whether or not the written request was timely submitted and whether or not it adequately addresses items (a) through (f) of paragraph (A)(3), the request is deemed unacceptable, a response must be written to the entity explaining the deficiencies. If the request satisfies items (a) through (f) of paragraph (A)(3), then a copy of the original request along with the information gathered to determine the acceptability of the request should be faxed to Tammy VanWalsen of the Compliance Monitoring Unit. An electronic draft of an acceptance letter for the Director’s signature should be e-mailed to [Tammy.VanWalsen@epa.state.oh.us](mailto:Tammy.VanWalsen@epa.state.oh.us). The Compliance Monitoring Unit will then process the letter for Director’s signature.

Please note that if the entity’s request was unacceptable, any subsequent submission should also be submitted to the field office at least two weeks prior to the planned shutdown of the air pollution control equipment. This may require the entity to postpone its planned shutdown date. In any event, such recommendation to the Director of acceptability or unacceptability must be issued promptly by the field office so that the entity does not assume that the lack of a timely response from the Ohio EPA, means that its request has been granted.

Please note that if the entity does not comply with the reporting requirements of paragraph (A)(3) of OAC rule 3745-15-06 and/or continues to operate the emissions unit(s) without written authorization from the Director of Ohio EPA, the field office may submit an enforcement action request to the Central Office. Considerable discretion is given to the district offices and local air agencies in determining which situations merit enforcement action (see DAPC’s enforcement manual for more guidance with respect to this matter.) Nevertheless, it is recommended that any potential referral case be discussed with the enforcement contact person before submission to the Central Office.

It is important to mention the preventive measures which should be taken to reduce the occurrence of improper, unacceptable, or too numerous requests. When convenient, the field office should advise any facilities that have air pollution control equipment concerning the requirements of OAC rule 3745-15-06. Ideally, this should be done both verbally (during inspections or permit negotiations) and in writing. The written notification may be included in any facility inspection report follow-up letter or in a separate letter. The letter should contain the following items:

- (1) a copy of OAC rule 3745-15-06;

(2) the person(s) to whom such requests should be directed; and

(3) a brief summary of the requirements of OAC rule 3745-15-06, including those pertaining to “scheduled maintenance”.

The use of these procedures should reduce the occurrence of improper or unacceptable requests for “scheduled maintenance.” In addition to preventing improper or unacceptable submittals, such notification to the entity strengthens any subsequent enforcement referrals pertaining to OAC rule 3745-15-06 because the entity cannot claim that they were unaware of the requirements of the rule.

TV, TK, JM, JO & BH

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