



COMMONWEALTH of VIRGINIA

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MEMORANDUM

TO: Regional Directors;
Regional Air Compliance Managers;
Regional Air Permitting Managers;
Central Office Air Managers;

CC: James Golden, Deputy Director of Operations

FROM: Michael Dowd, Director, Air Division 

SUBJECT: ACG-008:
Air Compliance Guidance for Non-Qualifying Sources

DATE: January 25, 2017

Purpose

The purpose of this guidance is to ensure available resources dedicated to collecting emissions data, processing annual updates, and inspecting sources remain focused on stationary sources with greater potential impact on air quality and applicable emissions limitations. This approach is consistent with EPA's 2016 Compliance Monitoring Strategy which enables DEQ "... to provide increased flexibility... to maximize resources and expand coverage of regulated facilities with the most potential for significant impact on human health and the environment."¹ The goal of this guidance is to provide specific information to allow DEQ staff to identify stationary sources for which emissions data and regular compliance inspections are unnecessary.

Applicability

This guidance is applicable to stationary sources meeting all of the following criteria*:

- Sources that are True Minor (i.e., not Major or Synthetic Minor)
- Sources exempt from permitting
- Sources with cumulative annual emissions < 5 tons (based on the most recent data provided)

¹ <https://www.epa.gov/sites/production/files/2013-09/documents/cmstrategy.pdf>

Active stationary sources subject to an Area MACT rule (meeting the criteria above) may be excluded from annual update reporting, but not from periodic inspections. Therefore, their status in CEDSAir should not be changed to “Nonqualifying”.

Background

In January of 2011, DEQ’s Office of Air Compliance Coordination (OACC) approved a pilot program in DEQ’s Northern Regional Office (NRO) to “non-qualify” or exclude a specific subset of stationary sources to streamline the annual update process. Because of the success of the NRO pilot, and following discussion with the Regional Air Compliance Managers, the OACC developed uniform criteria to implement the program statewide. This guidance document formalizes the criteria.

This Procedure does not affect registration of sources in CEDSAir. Historically, sources with greater than 1 ton cumulative emissions were required to be registered. Designating a source meeting the criteria above as non-qualifying is unrelated to the registration requirements of 9 VAC 5-20-160² and does not indicate a source is no longer operating.

Implementation

Stationary sources eligible for non-qualification must meet all of the following criteria:

- Sources that are True Minor (i.e., not Major or Synthetic Minor)
- Sources exempt from permitting
- Sources with cumulative annual emissions < 5 tons (based on the most recent data provided)

Active stationary sources subject to an Area MACT rule (meeting the criteria above) may be excluded from annual update reporting, but not from periodic inspections. Therefore, their status in CEDSAir should not be changed to “Nonqualifying”.

Using CEDSAir/Logi, identify candidates for non-qualification by determining which sources in your region meet the criteria above. Specifically...:

- Identify the active True Minor sources in your region.
 - This is your initial universe of sources that may be candidates for non-qualification.
- Identify the active True Minor sources in your regions with permits.
 - These sources may not be non-qualified.
 - They continue to be subject to emissions reporting and should remain available for inspection planning.
- Identify the active True Minor sources in your region that are subject to an Area

² <http://law.lis.virginia.gov/admincode/title9/agency5/chapter20/section160/>

MACT.

- These sources may not be non-qualified.
- They can be excluded manually from emissions reporting if their annual emissions total < 5 tons, but they should remain available for inspection planning.
- Identify the active True Minor sources in your regions that have annual emissions totaling < 5 tons.
 - These sources may be non-qualified, if they are exempt from permitting, and they are not subject to an Area MACT.

Once you have identified the active True Minor sources eligible for non-qualification, change their status in CEDSAir as follows:

- Under the Edit Air Facility button on the General tab, select the Nonqualifying checkbox.
- Under the Edit Targeting Data button on the Targeting Data tab, select Inspection Not Needed – “Nonqualifying”.

After doing so, the non-qualified source will be excluded from the report generation features in CEDSAir for Annual Updates and Inspection Planning. Sources are not to be shut down in CEDS if they are still operational to ensure source data will remain in CEDSAir and the source will not appear to be closed.

Questions or comments concerning this guidance should be directed to DEQ's Office of Air Compliance Coordination.