

FACT SHEET

Final Revisions to the General Provisions for Air Toxics Emissions – Unavoidable Performance Test Delays

ACTION

- On May 10, 2007, the Environmental Protection Agency (EPA) issued final amendments to the rules known as the General Provisions. The General Provisions establish a common set of requirements for developing rules or standards to regulate emissions of toxic air pollution.
- These changes will allow source owners and operators to request an extension of the time period required to conduct performance tests in response to major events that cause a performance test delay. Performance tests assure that air emissions from a facility are properly controlled. These major events are called “force majeure”.
- A force majeure is defined as an event caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents the owner or operator from complying with the regulatory requirement to conduct performance tests within the specified time frame despite the affected facility’s best efforts to fulfill the obligation. Examples of such events are acts of nature, acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility.
- As soon as practicable after the event, the source owner or operator is required to provide to the EPA Administrator:
 - a written description of the force majeure
 - rationale for attributing the delay in performance testing to the force majeure,
 - measures taken or to be taken to minimize the delay, and
 - an anticipated date by which the performance test will be conducted.
- The owner also is required to conduct the test as soon as possible after the force majeure occurs.
- The final amendments do not result in any change in emissions.
- Minimal costs are associated with the amendments.

BACKGROUND

- EPA originally issued the General Provisions for air toxics rules in 1994. The General Provisions contain general requirements regarding applicability, compliance, testing, monitoring, reporting, and recordkeeping that apply to most or all for the

National Emissions Standards for Hazardous Air Pollutants.

- This rule applies to source owners and operators who are required to conduct stack testing to demonstrate compliance with applicable standards under the General Provisions for Standards of Performance for New Stationary Sources, the General Provisions for National Emission Standards for Hazardous Air Pollutants, and the General Provisions for National Emission Standards for Hazardous Air Pollutants for Source Categories.

FOR MORE INFORMATION

- Interested parties can download the rule from EPA's web site on the Internet under "Recent Actions" at the following address: <http://www.epa.gov/ttn/oarpg/>. For further information about the rulemaking, contact Ms. Lula Melton of EPA's Office of Air Quality Planning and Standards at (919) 541-2910 or Melton.Lula@epa.gov.