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NOVEMBER 2009

**Pollution
Engineering**

10 STEPS

to Avoid Air Fines

A **bnp** PUBLICATION
media

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10 STEPS to Avoid Air Fines

Helpful tips for complying with today's regulations,
as well as those on the horizon.

By **BOB DAVIS**, Director of Utilities, Airgas Inc.

At the urging of the EPA, the new administration has been asked to support an increase in reporting violations of the Clean Air Act, and require more frequent inspections to monitor compliance. With careful planning and due diligence, facilities can significantly reduce the risk of incurring air fines, and provide an opportunity to set the example of being a good corporate citizen in the community. Herein follows 10 ways to help comply, and avoid fines:

1. When it comes to ensuring compliance, make everyone responsible. At first glance, this may seem like an unrealistic request. However, the best preventive measure is to keep

everyone aware and fully briefed on where the facility stands in regard to compliance. With everyone in the know, compliance becomes a vested interest and a shared responsibility.

A good place to start is a basic review of the facility's Title V permit during a plant meeting. Title V is a state permit and a federally enforceable document that provides parameters on plant emissions. If those emissions are exceeded, the document sets forth significant fines that come into play. Going over the basic permissions contained in the permit and any ramifications will set clear expectations among staff and management alike.

It also is helpful for employees to learn how the plant prevents air pollution by reviewing the specific reports prepared for state and federal authorities, as well as giving them access to operating logs.

Once employees understand the time and expense a facility has committed to maintaining emission levels, they are more likely to show a greater sense of pride and a determination to stay in compliance.

2. Review Title V permit independently each and every year.

A mere hour or two reviewing the permit can help a plant manager identify a facility's strengths, as well as pinpoint its vulnerabilities. Reviewing the permit with the mindset of an inspector will help flag inconsistencies and avoid further inspections and notices of violation (NOV).

3. Get to know the inspectors and do not hesitate to ask them for guidance. An inspector is there to ensure that a utility is complying with its permit. They are not the bad guy and should frequently be approached for

advice and to gauge the performance trends of other facilities. Ask them questions such as:

- “Are there any common violations you have noted lately?”
- “Is there anything we can do to make you more confident that we are complying?”

Chances are the inspector will share some valuable insights that will save a facility precious time and money in the long term and, more importantly, keep it in good standing with EPA and state regulators.

4. Access the experts through their available resources. The EPA has several useful guides that can help facilities to stay in compliance, including the EPA Acid Rain Inspectors Guide (www.epa.gov/airmarkets/emissions/audits.html). These materials are designed to keep utilities on top of the issues that can easily become violations if left unchecked.

The agency also is amenable to questions. Specifically, personnel at the Clean Air Markets Division are extremely useful for rule clarification about CFR 40 part 75. Their complete site is reviewable at www.epa.gov/airmarkets/index.html, under the EPA's Office of Air and Radiation.

5. Take advantage of association memberships and attend industry events. They can be a lifeline for staying on top of changing regulations, keeping plant managers up to speed on new products and services, as well as providing continued learning opportunities through seminars and workshops.

Trade shows also are loaded with information and networking opportunities as vendors, local inspectors and other utilities attend or exhibit at these events. Typically, shows such as the Air and Waste Management events, Electrical Power Research Institute, Source Evaluation Society and other environmental meetings require an attendance fee, but the return on investment can be invaluable. Most trade associations also have robust websites and weekly electronic newsletters with the latest updates on issues affecting businesses.



Utility stacks are often a target of environmental enforcement officers and community activists. The steps outlined here will help avoid fines and stay within compliance.

6. Follow the EPA online and stay informed on regulatory actions.

The EPA distributes the U.S. Environmental Protection Agency Monthly Digest Bulletin that features notifications on the latest regulatory compliance actions, upcoming regulations and other issues that could affect utilities in the future. This e-magazine gives a great monthly overview of the EPA's priorities and can be subscribed to by emailing usaepa@govdelivery.com (Editor's note: PE's

free monthly e-newsletters seek to keep readers abreast of these same regulatory changes and priorities.)

Another great resource within epa.gov is the Enforcement Compliance History Online (ECHO) section (www.epa-echo.gov/echo/index.html). This tool allows readers to look up their local EPA region and view the collective fines and notices of violation (NOVs) that have been issued to facilities in the region. This provides significant insight into what



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an inspector may be looking for within various operations.

7. Quiz vendors on potential problems that could lead to trouble. It is nice to believe vendors have their customers' best interests in mind and are not just appeasing them with the cheapest price, but plant managers need to be sure. Ask them simple questions such as, "What are some issues associated with your product that could garner negative attention in an inspection?"

As an EPA protocol gas vendor, this author's experience has been that it is not uncommon for some utilities to keep expired cylinders on site. If these cylinders are used, it will create problems and could nullify tests. In fact, it is such a common problem that many new state air inspectors will go right for the EPA protocol gases to check expiration dates.

Vendors should share the burden of helping utilities stay in compliance. In fact, it would not be out of line to ask a vendor directly, "If I get a fine due to the quality of your product or service, will you help me pay it?" A vendor should be confident that they are serving a utility's needs to the best of their ability and be able to back it up with a guarantee.

8. Show pride in maintaining compliance. Many companies reward employees with bonuses for reaching a milestone amount of days without safety incidents. Why should it be any different for maintaining a Title V permit? Cel-

ebate a year of compliance without any notice of violations. Recognizing employees for their efforts in maintaining compliance through a special lunch or keepsake can go a long way toward boosting morale and cooperative momentum.

Another idea is to post a prominent sign that tallies the number of days without an NOV. This not only maintains compliance efforts as a priority, but sends a big message to visiting inspectors. Keep the pride going by communicating it to the people that will really appreciate it: the community. A facility's neighbors want to know that the business is committed to their well-being and to being a good corporate citizen.

9. Practice vigilance when selecting a stack tester. Even if a utility has taken all the necessary internal steps toward achieving compliance, there still is a risk that the facility will receive an NOV if it is working with an unqualified or negligent stack tester. One sloppy miscue or failure to follow the appropriate testing methods can quickly unravel a year's worth of work, and can catch the attention of an inspector. When evaluating stack testers, check references and inquire about their experience in performing the tests needed to stay in compliance. Ask vendors if they are a Qualified Stack Test Individual, or QSTI. Stack testers earn this certification after testing by their peers. It ensures that the work is conducted to the highest standards.

A qualified and well-respected tester also can be a great advocate. They tend to have great relationships with inspectors and can provide facility management with solid advice for maintaining compliance.

10. Communicate a commitment to compliance to customers.

Green is everywhere. Grocery stores, home improvement stores and even clothing stores have products that tout they are "eco-friendly," "green" or "organic." Utilities can join the ranks of green promotion, informing customers that they are "environmentally friendly" or "certified for environmental safety." Compliance is an opportunity to join this important conversation. Companies that are transparent about their efforts and reporting make a public commitment and are more likely to earn their community's trust.

These suggestions are just a few measures that can be taken toward ensuring continued compliance. Remember, there are many people and other resources that can help a business achieve its environmental goals. Utilities that adhere to these guidelines not only greatly reduce any anxiety over maintaining compliance in the future, but also will dramatically increase their chances for success. **PE**

Bob Davis is the director of utilities at Airgas Inc. and is based in Allentown, Pa. He can be reached at (610) 675-6854 or via e-mail at Bob.Davis@Airgas.com. For more information, visit www.Airgas.com.

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Stack testing, Air violations, Title V

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