

November 22, 2005

John M. Wey
Authorized Account Representative
Bayer CropScience
Institute Site
P.O. Box 1005
Institute, WV 25112

Re: Using Off-Season Linearity Check Results to Quality Assure Ozone Season Data for Units 070, 080, and 090 at the Institute, WV Plant (Facility ID (ORISPL) 880053)

Dear Mr. Wey:

This is in response to your November 7, 2005 petition under §75.66 in which Bayer CropScience (Bayer) requested to use linearity checks performed on April, 26, 2005 to meet the 2nd quarter, 2005 “inside-the-ozone-season” linearity check requirement of §75.74(c)(3)(ii), for the gas monitors installed on the common stack that serves Units 070, 080, and 090 at the Institute, WV facility. EPA approves the petition, for the reasons given below.

Background

Units 070, 080 and 090 at Bayer’s Institute, West Virginia plant are coal-fired boilers, each with a maximum rated steam production rate of 300 klb/hr. The units are subject to the NO_x Budget Program, under the West Virginia Division of Air Quality (WVDAQ) Series 1 Regulation. Therefore, Bayer is required to monitor and report NO_x mass emissions and heat input for these units, in accordance with Subpart H of 40 CFR Part 75.

The electronic monitoring plan for the units shows that they discharge to the atmosphere through a common stack (identified as CS1) and that the required Part 75 continuous emission monitors are installed at CS1. The monitoring plan further indicates that Bayer has elected to report NO_x mass emissions only during the ozone season, i.e., from May 1 through September 30. According to §75.74(c), when the ozone season-only reporting option is selected, certain quality-assurance (QA) tests of the monitoring systems are required prior to the ozone season, and certain other QA tests are required during (“inside”) the ozone season.

The November 7, 2005 petition states that the NO_x and CO₂ monitoring systems installed on CS1 did not meet all of the quality-assurance test requirements for the 2005 ozone season. In particular, the requirement of §75.74(c)(3)(ii) to perform a 2nd quarter linearity check of the monitoring systems inside the ozone season (i.e., in May or June) was not met. Failure to meet this QA test requirement causes data from the NO_x and CO₂ monitoring systems to be invalidated, beginning on July 1st and continuing until linearity checks are performed and passed.

The use of missing data substitution is required during this period.

The QA requirements in §§75.74(c)(2) and (c)(3) for ozone season-only reporters have apparently been misunderstood by the owners and operators of several affected facilities, including Bayer. These owners and operators have conducted the pre-ozone season linearity checks required by §75.74(c)(2)(i) in April (i.e., in the 2nd quarter), but have not understood that §75.74(c)(3)(ii) requires an additional 2nd quarter linearity check in May or June, inside the ozone season. In the November 7, 2005 petition, Bayer requested relief from this “inside-the-ozone season” test requirement and the associated missing data consequences, on the basis that successful linearity checks were performed on April 26, 2005.

EPA’s Determination

EPA approves Bayer’s request to use the April 26, 2005 linearity checks of the gas monitors installed on CS1 to meet the 2nd quarter, 2005 “inside-the-ozone-season” linearity check requirement of §75.74(c)(3)(ii). EPA is granting this one-time exception to the requirement of §75.74(c)(3)(ii), for the following reasons. First, Bayer performed pre-season linearity checks in both the 1st quarter of 2005 (February) and again in the 2nd quarter (April), and the monitors were operated and quality-assured by means of daily calibration error checks throughout the pre-season. This provides good assurance of the quality of the data generated by the gas monitors at the start of the 2005 ozone season. Second, the 1st and 2nd quarter, 2005 linearity checks of the CS1 gas monitors represent a level of quality-assurance comparable to that of year-round reporters. For sources that report emissions data year-round, Part 75 requires only one linearity check per quarter under normal circumstances to ensure that a gas monitor is generating accurate data.

In view of these considerations, EPA believes that it is reasonable to treat the emissions data for Units 070, 080, and 090 as quality-assured in the time period extending from July 1, 2005 to the completion of the 3rd quarter, 2005 linearity checks (August 17, 2005), and the Agency waives the requirement of §75.74(c)(3)(ii) to perform missing data substitution in that time period, except for periods where the gas monitors were out-of-control for other reasons.

Please be advised that this is a one-time waiver of the QA requirements of §75.74(c)(3)(ii) and applies only to the 2005 ozone season. In 2006 and beyond, EPA expects the QA test requirements for ozone season-only reporters to be fully met. Otherwise, missing data substitution will be required. If you have any questions about this determination, please contact Robert Vollaro at (202) 343-9116. Thank you for your continued cooperation.

Sincerely,

/s/
Sam Napolitano, Director
Clean Air Markets Division

cc: Jerry Curtin, EPA Region III
Laura Crowder, West Virginia DAQ
Robert Vollaro, CAMD