

Final Rule: Amendments to the Protocol Gas Verification Program and Minimum Competency Requirements for Air Emission Testing

FACT SHEET

ACTION

- On March 10, 2011, the U.S. Environmental Protection Agency (EPA) issued a final rule to establish two ongoing programs that will better ensure the accuracy of calibration gases and the competency of emission stack testers. The Protocol Gas Verification Program (PGVP) and the Air Emission Testing Body (AETB) programs will strengthen our emission measurement data under the Agency's regional emission reduction programs, such as the Acid Rain Program, the Clean Air Interstate Rule, and the proposed Transport Rule.

Protocol Gas Verification Program (PGVP)

- Many power plants in the Acid Rain Program, the Clean Air Interstate Rule, and the proposed Transport Rule are required to use continuous emission monitoring systems (CEMS) to measure and track the pollutants that are released from their stacks. In order to ensure that these monitoring systems are accurately measuring and reporting data, EPA requires that they periodically undergo stringent quality assurance testing, including calibration tests and audits. Calibration tests check the accuracy of these monitoring systems by running a gas mixture of a known concentration through the systems and comparing the systems' reading with the known concentration. The systems are adjusted accordingly to eliminate measurement inaccuracies.
- EPA Protocol gases are used in calibration tests to determine if CEMS are accurately measuring pollutant concentrations. This rule requires power plants to procure Protocol gases from vendors that participate in the PGVP.
- In addition, under the rule, EPA, in cooperation with the National Institute of Standards and Technology (NIST), will annually conduct a blind audit of EPA Protocol gas vendors to test the accuracy of their gas and will post results online.
- The PGVP has four main objectives: (1) to ensure that EPA Protocol gases meet the accuracy requirements of 40 CFR Part 75; (2) to assist calibration gas consumers in their purchasing decisions; (3) to provide an incentive for gas vendors that perform well in the audits to continue to use good practices; and (4) to encourage gas vendors that perform poorly in the audits to make improvements.

Air Emission Testing Body (AETB)

- The final rule also requires that all Part 75 relative accuracy test audits, and stack tests performed under Part 75 Appendix E or section 75.19 be performed by an Air Emission

Testing Body (AETB) that meets certain competency standards, including experience and knowledge of test methods for individuals conducting the tests.

Other Actions

- In addition to these programs, EPA is removing the mercury monitoring and reporting provisions from the Acid Rain Program continuous emission monitoring system regulation. These provisions were finalized as part of the Clean Air Mercury Rule, which was vacated by the D.C. Circuit Court of Appeals in February 2008.
- EPA is also amending other sections of the Acid Rain Program continuous emission monitoring system regulation by making minor technical and housekeeping revisions.

BACKGROUND

- The EPA Protocol Gas Verification Program was developed through a process involving U.S. specialty gas companies, National Institute of Standards and Technology (NIST), the Institute of Clean Air Companies, and EPA. In a January 24, 2008 final rule, EPA required producers to participate in this program. The PGVP provision, however, was litigated and not put into effect.
- In the January 24, 2008 final rule, EPA also promulgated minimum competency requirements for companies performing certain QA/QC testing under Part 75 (AETB). In March 2008, the Utility Air Regulatory Group (UARG) petitioned EPA for review of the final rule. UARG cited several concerns including holding utility companies responsible for something largely outside of their control. As a result of the petition for review, EPA published a final rule in the Federal Register staying the AETB requirements.
- EPA believes that the PGVP and AETB provisions in today's final rule address the identified issues in the litigation as well as the EPA Protocol gas concerns outlined in the September 16, 2009 evaluation report (<http://www.epa.gov/oig/reports/2009/20090916-09-P-0235.pdf>) from the EPA's Inspector General.
- The Acid Rain Program is a nationwide cap and trade program established under Title IV of the 1990 Clean Air Act Amendments, requiring major emission reductions of sulfur dioxide (SO₂) and nitrogen oxides (NO_x), the primary precursors of acid rain, from the electric power industry.
- The Clean Air Interstate Rule build on the emission reductions from the Acid Rain Program and the NO_x Budget Trading Program by permanently lowering emissions of SO₂ and NO_x in order to help address ozone and PM_{2.5} attainment in the eastern U.S.
- The proposed Transport Rule would protect the health of millions of Americans by helping States reduce SO₂ and NO_x emissions that contribute to ozone and fine particle pollution in other States.

FOR MORE INFORMATION

- To download a copy of this notice, go to EPA's Web site at:
<http://epa.gov/airmarkets/emissions/pgvp.html>
- Today's final action and other background information are also available electronically at <http://www.regulations.gov>, EPA's electronic public docket and comment system. The docket number for this action is Docket ID No. EPA-HQ-OAR-2009-0837.
- For more information on the final rule, contact John Schakenbach at (202) 343-9158 or schakenbach.john@epa.gov.