

ATTACHMENT A-3

Air

The following violations are High Priority Violator (HPV) violations for which TCEQ has agreed with EPA to take formal enforcement action upon discovery of the violation (Category A8).

c. Air

The HPV criteria should be applied to violations discovered on or after October 1, 2014. When an enforcement agency detects a violation of the CAA, it should compare the violation's characteristics with the following criteria to determine if the violation is an HPV. The criteria below apply only to a violation that occurs at (1) a major source as defined in CAA Sec. 501(2) (Title V Major Source) or (2) a non-Title V Major Source, otherwise known as a minor or area source, with a CMS plan. It is not appropriate to apply the criteria to violations that the EPA is not authorized to enforce, *i.e.*, violations of requirements that are not federally enforceable.

The EPA considers an HPV a violation of a federally enforceable CAA requirement that is (1) likely to result in impacts that pose a significant risk to human health and/or the environment from direct or indirect release of air pollutants or (2) may harm the ability to implement CAA programs. Even though a violation falls within a category of HPVs, not every such violation warrants additional tracking and attention at a national level. Identification of potential violations should not be restrained by concerns that every such identification imposes an inalterable duty to bring a formal enforcement action.

High Priority Violations – General Criteria

Criterion 1 – Failure to obtain a New Source Review (NSR) permit (for either attainment or non-attainment areas) and/or install Best Available Control Technology (BACT) or Lowest Available Emission Reductions (LAER) (and/or obtain offsets) for any new major stationary source or major modification at a major stationary source. This criterion includes a violation by a synthetic minor stationary source of an emission limit or permit condition such that the source's actual annual emissions exceed (or are expected to exceed) the major stationary source threshold as defined in the applicable NSR regulations.

Criterion 2 – A violation of any federally enforceable emission limitation, emission standard or operating parameter, which is a surrogate for emissions, that was issued pursuant to Title I, Part C or D, of the CAA and the implementing

regulations, or the equivalent provision(s) in an EPA- approved implementation plan (state, local, territorial or tribal) where such violation continued (or is expected to continue) for at least seven days. This criterion includes violations that, while not necessarily continuous for 168 hours, recur (or recurred) regularly or intermittently for at least seven days. EPA presumes that the violation is continuing unless the enforcement agency can document sufficient evidence to conclude that the violation is no longer ongoing and is unlikely to recur.

Criterion 3 -A violation of any emission limitation, emission standard or operating parameter, which is a surrogate for emissions, in an applicable Standards of Performance for New Sources (NSPS) (Part 60) or in an analogous regulation adopted by state, local, tribal or territorial authorities and the EPA has granted delegation to enforce such regulations in lieu of the NSPS where such violation continued (or is expected to continue) for at least seven days. This criterion includes violations that, while not necessarily continuous for 168 hours, recur (or recurred) regularly or intermittently for at least seven days. The EPA presumes that the violation is continuing unless the enforcement agency can document sufficient evidence to conclude that the violation is no longer ongoing and is unlikely to recur.

Criterion 4 -A violation of any emission limitation, standard or surrogate parameter (emission or operating) of an applicable National Emission Standards for Hazardous Air Pollutants (NESHAP) (Parts 61 and 63) or in an analogous regulation adopted by state, local, tribal or territorial authorities and EPA has granted delegation to enforce such regulations in lieu of the NESHAP where such violation continued (or is expected to continue) for at least seven days. This criterion includes violations that, while not necessarily continuous for 168 hours, recur (or recurred) regularly or intermittently for at least seven days. The EPA presumes that the violation is continuing unless the enforcement agency can document sufficient evidence to conclude that the violation is no longer ongoing and is unlikely to recur.

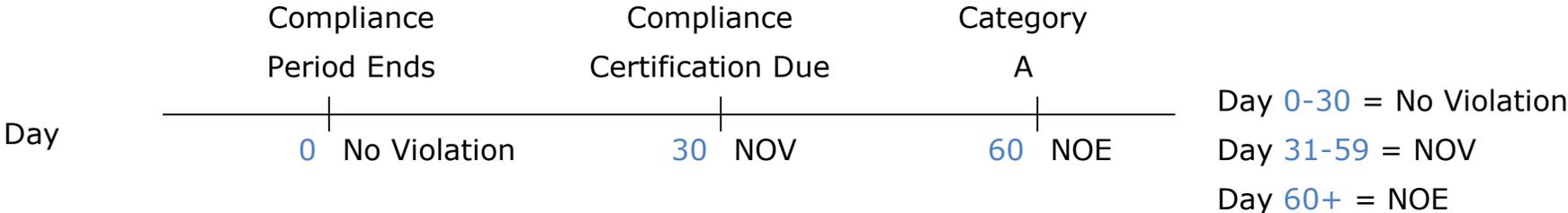
Criterion 5 – A violation that involves federally enforceable work practices, testing requirements, monitoring requirements, recordkeeping or reporting that substantially interferes with enforcement of a requirement or a determination of the source's compliance. The determination of what is substantial shall be part of a case-by-case analysis/discussion between the EPA Region and the enforcement agency.

Criterion 6 -Any other violations specifically identified and communicated to enforcement agencies from time to time by the Director, Air Enforcement Division (AED), U.S. EPA (general applicability) or as mutually agreed upon between the enforcement agency and corresponding EPA Region (case-by-case). For example, an enforcement agency believes an emission violation warrants designation as an HPV even though the violation lasted (or will last) for less than seven day

TITLE V REPORTING TIMELINE NON HIGH PRIORITY VIOLATIONS ONLY

Air

ANNUAL COMPLIANCE CERTIFICATION TIMELINE



DEVIATION REPORT TIMELINE

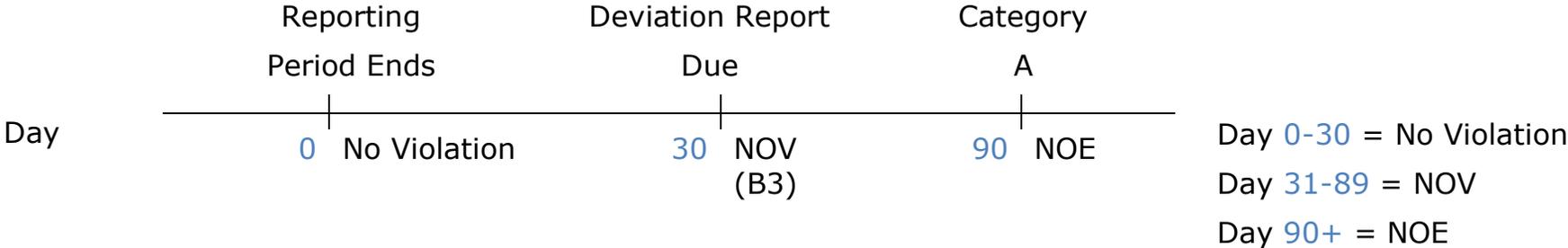


TABLE 1.1: FOR NON-HIGH PRIORITY VIOLATIONS ONLY¹

VIOLATION	METHOD OF DETECTION	STANDARD	SUPPLEMENTAL SIGNIFICANT THRESHOLD (SST)²	% IN EXCESS OF REFERENCE LIMIT/PARAMETER
Violation of applicable non-opacity standard	1.Coatings analysis, fuel samples, other process materials sampling or raw/process materials usage reports 2. Continuous Emissions Monitoring (where the CEM is certified under federal performance specifications).	1. Any applicable requirement 2. ≤24 hour averaging period (for example, one hour or three hour blocks)	CO 23 lb/hr NOx 9 lb/hr SO2 9 lb/hr VOC 9 lb/hr (Non-HAP) PM 6 lb/hr PM10 3 lb/hr	>15% of the applicable emission limitation unless it is less than the SST then the SST should be used.
Violation of parameter limits where the parameter is a direct surrogate for an emissions limitation	Continuous/Periodic Parameter Monitoring (includes indicators of control device performance)	Any applicable requirement		>5% of the applicable parameter limit
	Continuous Emissions Monitoring (where the CEM is certified under federal performance specifications)	> 24 hour averaging period		Any violation of the applicable standard
Violation of applicable opacity standard ³	Continuous Opacity Monitoring	0-20% opacity >20% opacity		>5% opacity over the limit >10% opacity over the limit
	Method 9 VE Readings	0-20% opacity		>50% over limit and any violation of SIP/NSPS limits
		>20% opacity		>25% over limit

Table Footnotes:

1. This is not an all-inclusive list of criteria used to determine significant deviations.
2. SST is based on PSD significant levels. The SST value is the lb/hr emission rate at 8760 hours which would result in PSD review.
3. Based on the applicable averaging period (e.g. 6-minute block averages).

NOTE: Emission Events (EEs) – while EEs are not authorized by air permits, using a permitted limit to determine the significance of emissions released during an EE is the basis for significant deviation determinations (when an affirmative defense has not been met). Specifically, EEs that exceed 15% of a permit limit

is a significant deviation. For flexible permits that do not have short-term limits, use the permit application representations that are a relevant comparison to the EE under review.