

OFFICE MEMORANDUM

October 31, 2006

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FROM: KELLY WEE – DIRECTOR OF ENFORCEMENT *KW*

**SUBJECT: TRIAL TESTING - SOURCE TESTS OUTSIDE PERMITTED
PARAMETRIC OPERATING RANGES OR NORMAL OPERATING RANGES**

From time-to-time, the District may receive a request from the owner or operator of a permitted source ("permit holder") to conduct source tests under conditions that do not meet one or more operational parameters established in the permit for the source. The request to conduct such "trial testing" typically falls into one of two categories:

- 1) Verification of compliance with emissions standards at operating conditions outside the range of parameters specified in the Permit to Operate in order to establish the basis for modifying a permit condition. These requests are often based on a need to evaluate potential energy savings, but may be occasioned by other needs as well.
- 2) Verification of compliance with emission standards for turbines or engines at operating loads not within normal operating ranges. These requests are typically based on requirements specified by other government agencies.

The most common reason for category #1 trial testing is to confirm emissions compliance at operating temperatures outside the limit or range established by permit conditions. Because this parameter (temperature) serves as a surrogate for the actual control efficiency or emission rate that would be measured during a source test, operation outside the temperature limits will not necessarily result in an emission exceedance. Where the District has reason to believe that such operation will not result in an emissions exceedance, trial testing under carefully controlled circumstances may be allowed. The same logic applies to increased operating loads for trial testing of equipment as described in category #2 because the parameter of load is also a surrogate for actual emissions. Trial testing to confirm that varying other parameters will not prevent compliance with applicable emissions standards may also be approved under this policy based on a showing that such testing is necessary and not likely to result in noncompliance with any emissions limitation.

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In the past these situations have been addressed through the variance process under the Health and Safety Code or administratively. Although the need to conduct trial testing is often legitimate, the situation does not necessarily meet the conditions that must be present to support issuance of a variance. Specifically, the permit holder likely could not show that, due to circumstances beyond its reasonable control, compliance with the permit condition would result in an arbitrary taking of property or elimination of a lawful business.

The purpose of this memorandum is to standardize the District's administrative response to future requests for trial testing. For the reasons set out above, the District will allow source tests to be conducted outside of the parametric operating ranges of either the source or the abatement device(s) controlling the air pollutants provided proper safeguards and procedures are in place. This policy applies only where the need to conduct such trial testing has been established by the permit holder.

To minimize emissions and adequately protect public health, however, the following procedures shall govern how these types of source tests are handled:

- Requests to conduct trial testing shall be made in writing to the Director of Compliance & Enforcement. In consultation with the Director of Engineering, the Director of Compliance & Enforcement will make a determination whether the permit holder has established an appropriate basis for conducting trial testing and that trial testing is not likely to result in a violation of applicable emission standards or other emissions-based requirements. The requestor shall be notified of the District's determination.
- If the District determines that trial testing is appropriate, the notification shall state that trial testing may proceed once a Source Test Plan has been approved by the Source Test Manager.
- The Source Test Plan shall be submitted to the Source Test Manager a minimum of 20 days prior to the proposed test date. The plan shall clearly specify the test methods to be used, along with the procedural elements to minimize potential increases in emissions and shall identify the emissions limits and associated emissions-based requirements of concern. If the Source Test Plan is approved, the Source Test Section shall notify the permit holder. If the plan is disapproved, the Source Text Section shall notify the permit holder and the permit holder can either resubmit the Plan with necessary modifications or seek a variance.
- For category #1 trial testing, unless otherwise specified in the approval of the Source Test Plan: (1) The applicable associated pollutants of carbon monoxide, oxides of nitrogen, sulfur dioxide, carbon dioxide, methane and non-methane organic carbon must be tested simultaneously; (2) each source test shall consist of three thirty-minute runs; and (3) for source tests allowing operation of combustion devices at lower temperatures than specified in the permit, the maximum incremental temperature reductions shall be 100 degrees Fahrenheit.

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- For category #2 trial testing, unless otherwise specified in the approval of the Source Test Plan, the test at each load shall consist of three thirty-minute runs.
- Upon conclusion of the testing, the normal operating parameters shall be re-established within 30 minutes, unless otherwise specified in the approval of the Source Test Plan. A final source test run shall then be completed to demonstrate compliance.
- Results of all trial testing, including quantification of any excess emissions in pounds, are to be submitted to the Source Test Section for review. The Source Test Section can then route the approved results to the appropriate department(s), with their recommendations where applicable.
- For testing conducted in compliance with the approved Source Test Plan, no enforcement action will be taken based on operation outside the parameters specified in the permit (category #1) or normal operating range (category #2) or based on any associated emissions violation, provided that the source or abatement device is brought back into compliance immediately following the test runs resulting in such noncompliance. However, any facility that performs trial testing outside of the range specified in a Title V permit should submit a deviation report to the District.
- This policy is not intended to provide relief from enforcement of the prohibition on public nuisance set forth in Health and Safety Code section 41700 and section 1-301 of the District rules and regulations.

Some sources have permit conditions that allow source testing outside permitted parametric limits. Unless otherwise provided in the applicable provision of the permit, the District strongly urges a permit holder with such a permit condition to conduct such testing under the provisions of this policy.

Your concurrence with this policy is requested.