EXHIBIT
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VI
1201 ELM STREET
DALLAS, TEXAS 75270

March 2, 1981

Mr. Robert A. Harley, Chief
Air Pollution Control Division
P. O. Box 1293
Albuquerque, New Mexico 87103

Dear Mr. ~~Harley~~ Bob:

Pursuant to our 105 grant commitment, we have completed a review of Regulation 19, Breakdown, Abnormal Operating Conditions, or Scheduled Maintenance. I submit the following comments for your consideration.

1. The Regulation provides automatic exemptions from emission limitations for excess emissions during scheduled maintenance and some other situations. According to EPA guidance, all emissions that exceed emission limitations during start-up, shut down, breakdown, or maintenance are a violation of the State Implementation Plan unless there is a sudden and unavoidable malfunction that is totally beyond the control of the owner and/or operator. The automatic exemption provision is too broadly written and should be limited to sudden unavoidable exceedances.

2. The information which the source must report to the agency must be more specific. Enough detail must be reported to enable the agency to determine that the excess emissions were caused by a sudden and unavoidable occurrence.

The April 27, 1977 Federal Register (42 FR 21472) and Guidance to State and Local Agencies in Preparing Regulations to Control Volatile Organic Compounds from Ten Stationary Source Categories (EPA-450/2-79-004) contains detailed explanations of EPA's policy concerning such excess emission regulations and the minimum acceptable reporting requirements.

If you have any questions, please call me, or Gordon Scruggs at 214/767/1518.

Sincerely,

Jack Divita

Jack S. Divita
Chief, Air Programs Branch

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CONTROL DIVISION