

Status of RMRR

or learning the definition of "routine"…

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What is RMRR

Major modification is defined as:

"any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Act." 40 CFR §52.21(b)(2)(i)

There are exemptions…

"routine maintenance, repair and replacement (RMRR)"

[40 CFR §52.21(b)(2)(iii)(a)]

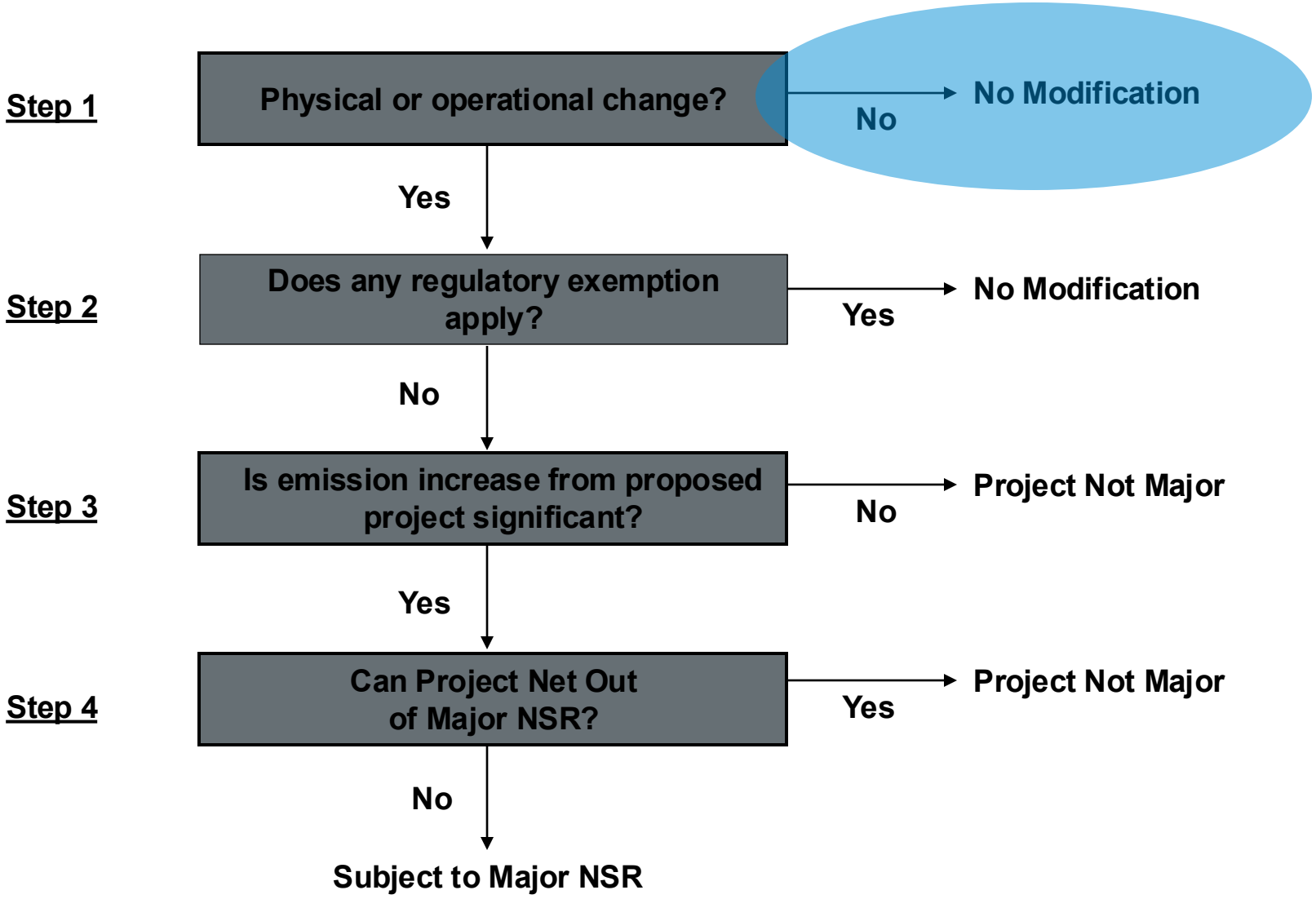
RMRR Updates… or not



Timeline and Change

- Proposed in December of 2002:
- Finalized in mid-2003
- Stayed by the Court in December, 2003
- Vacated by the Court in March, 2006
  - Contrary to the plain language of the Act, which defines a modification as: any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted.

How this fits into the NSR Applicability



NSR: Modification Applicability

Therefore, three possible "off-ramps" for avoiding major modification status

- Exemption (preferred by sources-no calculation)
- Non-significant emissions increase (proposed project is a modification, but project emissions increase is not significant)
- Significant emissions increase for project, but source can "net out" of being major



Looking at Step 1 – Physical and Operational Changes

Generally, EPA has a very broad definition of Physical Changes or Changes in the Method of Operations (PCCMO). Most projects are PCCMOs

- Excludes Routine Maintenance, Repair and Replacement (RMRR)

Exemptions for Certain Increases in Capacity or Availability if they can be accomplished with no PCCMO

One of the most misunderstood NSR concepts

- Non-routine maintenance is a PCCMO
- Replacements in kind are typically PCCMO
- Permit limit increases are PCCMOs

Five Factor Test



No one factor is deciding

Weight of factors not specified

Probably NOT routine if:

- Nature: Involves replacement of several major components,
- Extent: Significantly enhances the present efficiency and capacity of the plant,
- Purpose: Substantially extends the plant's useful economic life,
- Frequency: Rarely performed on that unit (may be able to look to source category frequency), or
- Cost: Is costly in both relative and absolute terms

Things to consider



Questions to consider when considering “routine”

- Will the project be done by in-house maintenance staff or outside contractors?
- How long will the project take to complete? How long is your normal maintenance shutdown period?
- Are the replacement components of the same design as the components they are replacing?
- What was the expected lifetime of the unit when it was first installed?
- Will the changes restore the unit to its original rated capacity?
- Are the components being repaired/replacing the original components? How often are these changes made to the unit during its lifetime?
- Where will the funding from this project come from (i.e. O&M budget or capital expenditure)?

Thank you

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