

march 2009

# Regulatory Roundup

## The Countdown to April 1, 2009 Continues

April 2009 marks the first official required XML reporting period. EPA expects three times as many first-time XML reporters in April as compared to the total number that officially reported during the 2008 transition year. This means that there are approximately 1,800 reporting units that will be transitioning and reporting for the first time. An estimated 250 ozone season only reporters will be left to transition in July for Q2 reporting. If you are not participating in the ESC|SafePassage Program - A Smooth Transition to XML, there are several tasks that you should do **BEFORE** March 17<sup>th</sup> to prepare for April XML reporting, as well as things that you should do **BEGINNING** March 17<sup>th</sup>.

### Follow these steps **BEFORE** March 17<sup>th</sup> for April XML reporting:

- Download and read the “Transition to XML Reporting Guide” (<http://envirosys.com/media/p/1203.aspx>) from the ESC website. This 22-page guide includes steps to transition to XML reporting using ESC|StackVision, including 12 of the most common configuration changes required for XML Reporting.
- Upgrade to ESC|StackVision Version 2.3, Service Pack 3 (including SQL Database Optimizer) on all of your StackVision servers. This is a prerequisite for any ESC Support or services during April. In addition, Version 2.3 SP3 will be required in order to install the final XML version enhancements prior to April. Save yourself time in April by upgrading to the latest version of StackVision right away.
- Install “XML Notepad” (<http://www.microsoft.com/downloads/details.aspx?familyid=72d6aa49-787d-4118-ba5f-4f30fe913628&displaylang=en>) on the ESC|StackVision server. This will facilitate troubleshooting of XML files by ESC Support personnel when accessing your system through a VPN connection.

### Follow these steps **BEGINNING** March 17<sup>th</sup> for April XML reporting:

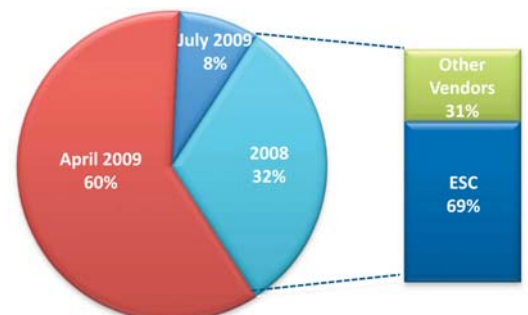
- Follow all steps on the “BEFORE March 17<sup>th</sup>” list.
- Install the Q1 2009 version of ECMPS Production Tool on or about March 17<sup>th</sup> (when available).
- Make the required Monitoring Plan (MP) changes in the Production Tool to resolve all the errors. Submit your error-free MP to EPA through ECMPS as soon as possible.
- Follow the “Transition to XML Reporting Guide” (<http://envirosys.com/media/p/1203.aspx>) to import/deploy your XML MP in ESC|StackVision and create your XML EDR template. Make all required configuration changes and ensure that ProcessNow runs without errors.
- Generate your QA/Cert and Emissions (EM) XML EDRs in ESC|StackVision and move the files to a location with the ECMPS Production Tool.

## ECMPS Transition Update

The optional transition year for XML reporting has ended. Approximately 950 units transitioned to XML in 2008 using ECMPS. Of all the units that transitioned during 2008, 69% used ESC as their DAS vendor. During the first half of 2008, ESC focused on the most common monitoring configurations, including full CEMS, Appendix D NO<sub>x</sub>-diluent CEMS, and Appendix D, E and G.

In the latter half of the year, ESC transitioned more complicated configurations to XML, including common stack (CS), multiple stack (MS), common pipe (CP) and complex stack configurations.

### XML Reporting for Part 75 Sources



## CAIR Update

# CAIR Reinstated Pending Revisions by EPA

On December 23, 2008, the U.S. Court of Appeals for the D.C. Circuit reversed its vacatur of the Clean Air Interstate Rule (CAIR) and remanded it back to EPA for revisions. The three-judge panel in the case was persuaded by arguments from EPA, environmentalists and some industry groups who claimed that “allowing CAIR to remain in effect until it is replaced by a rule consistent with our opinion would at least temporarily preserve the environmental values covered by CAIR.” The court’s reversal gave no time frame for EPA to correct CAIR’s flaws. The court noted, however, that it did not intend to grant an indefinite stay to its decision.

The regulatory benefits of CAIR, such as the mandatory sulfur dioxide and nitrogen oxides emission reductions in 28 states, will stay in place as a result of the court’s recent ruling. However, significant legal uncertainty remains in many areas including the emissions trading markets. Uncertainties also remain for utilities that are subject to the rule, as the industry is left vulnerable to more stringent regulatory demands in the future while being forced to comply with the emission reductions of the reinstated CAIR.

To read the court’s December 23<sup>rd</sup> decision, please visit:

<http://pacer.cadc.uscourts.gov/common/opinions/200812/05-1244-1155490.pdf>

## Reporting SO<sub>2</sub> Emissions for CAIR

Sources affected by the CAIR SO<sub>2</sub> program must report SO<sub>2</sub> mass emissions beginning January 1, 2009. ESC has identified two categories of sources that must comply with the CAIR SO<sub>2</sub> requirements. Both categories are listed below along with a brief summary of actions needed to prepare for the submission of data in XML format using the ECMPs Client Tool.

**Table I: CAIR SO<sub>2</sub> Source Categories & Requirements**

<b>Category 1</b>	<p><b>CAIR SO<sub>2</sub> sources in the Acid Rain Program (ARP)</b></p> <ul style="list-style-type: none"> <li>▪ Currently reporting HI and SO<sub>2</sub> mass data in quarterly EDR files</li> <li>▪ Continue to conduct necessary Quality Assurance tests and report these in the QA file in ECMPs</li> </ul>
<b>Category 2</b>	<p><b>CAIR SO<sub>2</sub> sources NOT in the Acid Rain Program (ARP)</b></p> <ul style="list-style-type: none"> <li>▪ Currently reporting HI and NO<sub>x</sub> mass data in quarterly EDR files</li> <li>▪ Determine monitoring methodology for SO<sub>2</sub> mass</li> <li>▪ Begin reporting hourly data in the Emissions XML file                             <ul style="list-style-type: none"> <li>▫ Create a source monitoring plan using ECMPs</li> <li>▫ Add parameters to configuration if using ESC StackVision for reporting</li> <li>▫ Complete necessary certification tests</li> <li>▫ Build an XML EDR template in ESC StackVision</li> </ul> </li> </ul>

## PADEP Update

# PADEP Transitions to CSMM Revision 8

The Pennsylvania Department of Environmental Protection (PADEP) posted the final version of the “Applicability Determination and Implementation Procedures for Continuous Source Monitoring Manual (CSMM) Revision No. 8” on January 10, 2009, in the PA Bulletin. A copy of the document, the bulletin notice and a “Request for Security Access/Portal Account” form for the CEMDPS\*Online Application may be found on the PADEP CEM website at: <http://www.dep.state.pa.us/dep/deputate/air/waste/aq/cemspape/cems.htm>.

The deadline for PADEP sources to comply with the requirements of Rev 8 is July 1, 2009. Affected facilities were required to submit the date in which they intend to comply with Rev 8 by February 15, 2009, to the PADEP CEM Section Chief. Facilities that are unable to comply by July 1, 2009, must submit an implementation plan to PADEP by March 31, 2009. Additional information must be submitted to PADEP based on the Rev 8 compliance date. For more information, see the “Applicability Determination and Implementation Procedures for Continuous Source Monitoring Manual (CSMM) Revision No. 8” located on PADEP’s website.

## Mercury Reporting Required by PADEP in 2009 Despite Commonwealth Court Ruling

On January 30, 2009, the Pennsylvania courts struck down the state mercury rule in its entirety as a result of a lawsuit filed by PP&L. As part of that ruling, the court issued an immediate court order to prevent the Commonwealth from continued implementation and enforcement of the rule. PADEP filed an appeal to the ruling on February 5, 2009, which included a stay to the court order halting...

(continued on page 3)

# Federal Mercury Rule Reversal

On February 6, 2009, EPA Administrator Lisa Jackson announced that the Agency had withdrawn its appeal to the U.S. Supreme Court under the Bush Administration to regulate mercury emissions from coal-fired power plants under EPA's Clean Air Mercury Rule (CAMR). The Agency will now comply with a court ruling governing mercury emissions from coal and oil-fired power plants

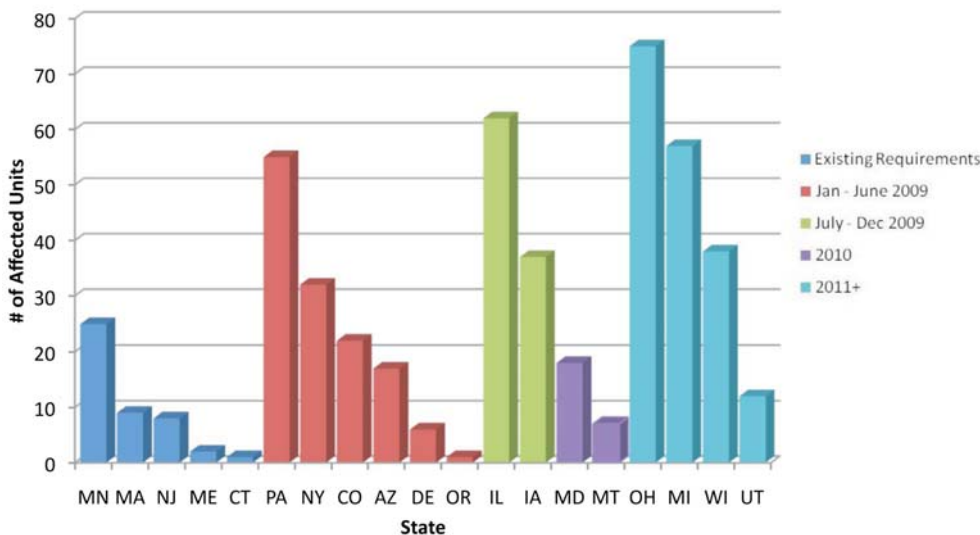
and regulate mercury emissions under section 112 of the Clean Air Act. EPA has used section 112 of the Clean Air Act to control Hazardous Air Pollutants (HAPs) based on Maximum Achievable Control Technology (MACT) standards. Based on discussions with EPA's Clean Air Markets Division, their group does not have the authority to collect data using the ECMPS mechanism and all reporting must

now be done at the state level, even for states that reference the CAMR requirements to report data electronically to the administrator. This recent announcement further complicates an already confusing situation at the state level since many states have already moved forward with some type of implementation of mercury regulations, many of which are based on the CAMR rule.

## State-Level Mercury Requirements

Based on the most recent communications with various state regulators (all of which occurred prior to EPA's decision to forego the appeal), ESC believes that the breakdown of the state actions is represented by the following chart.

Coal Fired Units > 25MW With Potential State Mandated Mercury Reporting Requirements <sup>1,2</sup>



<sup>1</sup> Does not include sources with Permit or Consent Decree mercury conditions  
<sup>2</sup> States that have undefined regulations or enforcement not included in table

Arizona (AZ) and Oregon (OR) are in the process of making rule revisions, but currently still list January 1, 2009, as the first reporting date for mercury monitoring. ESC considers the following states to be currently undefined due to the recent EPA decision: Indiana (IN), Kansas (KS), Nevada (NV), Texas (TX), Virginia (VA), New Mexico (NM) and Tennessee (TN). Most of these states had referenced CAMR directly, but have not provided further guidance to ESC as to their plans for moving forward. ESC will continue to work with the state regulators to determine their next actions as they broach this topic.

This chart does not represent facilities that may have individual permit or consent decree conditions requiring mercury monitoring and reporting. If you would like to discuss a particular state rule or permit condition in further detail, please contact Josh Korth at [jkorth@envirosys.com](mailto:jkorth@envirosys.com).

## PADEP Update

(continued from page 2)

### Mercury Reporting Required by PADEP in 2009 Despite Commonwealth Court Ruling

the implementation and enforcement of the rule. A further injunction against the request to stay the court order may be filed by PP&L.

At the time of this newsletter, PADEP considers the rule to be enforceable and is recommending that sources continue their implementation plans for measurement and reporting of mercury data in 2009. Mercury reporting will be handled by the new CEMDPS tool when a source makes the transition to Revision 8 reporting. Based on the latest conversation with the DEP, sources making the transition in 2009 are allowed to wait until the transition quarter to report mercury data for the year. During the transition quarter, the source will be required to back-report their quarterly mercury emissions beginning with January 1, 2009.

# Reporting CO<sub>2</sub> Emissions for RGGI

In preparation for the first reporting quarter under the Regional Greenhouse Gas Initiative (RGGI), ESC has identified three category types that we believe our customers will fall into. Each category type is listed below along with a brief summary of the items that the source will need to do in order to prepare for the submission of data in XML format using the ECMPS Client Tool.

**Table I: RGGI Source Categories & Requirements**

<b>Category 1</b>	<p><b>RGGI sources currently in the Acid Rain Program (ARP)</b></p> <ul style="list-style-type: none"> <li>▪ Currently reporting HI, MW and CO<sub>2</sub> data in quarterly EDR files</li> <li>▪ Report hourly CO<sub>2</sub> tons/hr data in the Derived Hourly Value data (sources in ME, MD and DE are allowed by state rule to report daily CO<sub>2</sub>)</li> <li>▪ Continue to conduct necessary Quality Assurance (QA) tests and report these in the QA file using ECMPS</li> </ul>
<b>Category 2</b>	<p><b>Non-ARP RGGI sources in a CAIR program</b></p> <ul style="list-style-type: none"> <li>▪ Currently reporting HI and MW in quarterly emissions files</li> <li>▪ Add CO<sub>2</sub> data to the Emissions XML file               <ul style="list-style-type: none"> <li>▫ Add CO<sub>2</sub> methodology to the monitoring plan</li> <li>▫ Add CO<sub>2</sub> parameters to configuration</li> <li>▫ Complete necessary certification tests</li> <li>▫ Add CO<sub>2</sub> elements to XML template</li> </ul> </li> <li>▪ Conduct ongoing Quality Assurance (QA) tests and report these in the QA file using ECMPS</li> </ul>
<b>Category 3</b>	<p><b>RGGI sources not in either the ARP or CAIR</b></p> <ul style="list-style-type: none"> <li>▪ Configure parameters to report HI, MW and CO<sub>2</sub></li> <li>▪ Begin reporting hourly data in the Emissions XML file               <ul style="list-style-type: none"> <li>▫ Create a source monitoring plan using ECMPS</li> <li>▫ Add P75 validated parameters to configuration</li> <li>▫ Complete necessary certification tests</li> <li>▫ Build an XML template in ESC StackVision</li> </ul> </li> <li>▪ Begin P75 Quality Assurance(QA) testing and report these in the QA file using ECMPS</li> </ul>

## RGGI Issues Notice for 3<sup>rd</sup> Auction

The first two RGGI auctions have been held and the demand has far exceeded the amount of credits available for purchase. The next quarterly auction is scheduled for March 18, 2009. For more information on the RGGI program or auction details, visit [www.rggi.org](http://www.rggi.org)

## XML versus Flat-File (RT/COL) Reporting

- New "schema" vs. old "record layouts"
- Now three files instead of one quarterly file
- Can submit OA test records as soon as test is complete
- Partial quarter Emissions files can now be evaluated
- New format requires compliance with CROMERR (Cross-Media Electronic Reporting Rule)

## ECMPS Resources

- **Reporting Instructions**  
<http://ecmps.pqa.com/documents.shtml>
  - There are three for XML (one for each file type)
  - Addendum of changes released with each new version of the Client Tool
  - Updated a few times per year
- **Blog**  
<http://ecmps.pqa.com/blog/>
  - ECMPS news sent via email to subscribers  
<http://feedburner.google.com/fb/a/mailverify?uri=ecmps>
  - Frequent updates
- **Frequently Asked Questions (FAQs)**  
<http://ecmps.pqa.com/faq/index.php?action=show>
  - New, easier design
  - Frequent updates
- **Tutorials**  
<http://ecmps.pqa.com/tutorials.shtml>
  - Interactive, multimedia videos
  - New releases every month
- **Client Tool Help File**  
[http://ecmps.pqa.com/helpfile/about\\_this\\_release.htm](http://ecmps.pqa.com/helpfile/about_this_release.htm)
  - Contains Check Specifications
  - Also available in the Client Tool
  - Updated when the Client Tool is updated
- **Technical Support for ECMPS Production**
  - Send email to [ecmps-support@pqa.com](mailto:ecmps-support@pqa.com)
  - List of ECMPS Known Issues:  
[http://ecmps.pqa.com/known\\_issues.shtml](http://ecmps.pqa.com/known_issues.shtml)
  - For more information, visit:  
[http://ecmps.pqa.com/technical\\_support.shtml](http://ecmps.pqa.com/technical_support.shtml)

## What is CROMERR?

CROMERR stands for the Cross-Media Electronic Reporting Regulation. This regulation stipulates how electronic reporting must be performed for entities which report data to EPA. On or about March 17, 2009, ECMPs stakeholders will be affected by CROMERR in their use of both the CAMD Business System (CBS) and the ECMPs Client Tool. Several parts of the CBS will be redesigned to comply with CROMERR. CROMERR will only affect the Submission module of ECMPs. During the submission of data, users will be asked to answer a challenge question in order to verify their identity. The challenge question is similar to questions asked on banking websites or other secure websites. (e.g., What is your mother's maiden name? In what city were you born?)

For more information about CROMERR, please visit:

<http://www.epa.gov/CROMERR/about.html>

## Are You Ready for CROMERR?

ECMPs stakeholders need to take the following steps BEFORE March 17<sup>th</sup>:

1. Complete a subscriber agreement and send it via "snail" mail to EPA CAMD. Simply download the Subscriber Agreement Form ([http://www.epa.gov/airmarkt/business/docs/forms/subscriber\\_agreement.pdf](http://www.epa.gov/airmarkt/business/docs/forms/subscriber_agreement.pdf)). Print, read, sign and mail it to EPA via U.S. Mail or Federal Express to the address on the form.
2. After the CBS is updated on or about March 17<sup>th</sup>, stakeholders will need to log in to CBS and select challenge questions as well as provide answers for those questions.

Once CROMERR is implemented in March, ECMPs stakeholders will not be able to use the CBS or the submission module of the Client Tool until they have submitted a subscriber agreement and selected challenge questions. For questions about CROMERR or completing the Subscriber Agreement Form, contact Karen Van Sickle at EPA ([vansickle.karen@epa.gov](mailto:vansickle.karen@epa.gov)).

## PADEP Update

## ESC | University Training Courses for PADEP Sources

Register today to attend the ESC|University training courses for PADEP sources. These workshops are designed to clarify PADEP's requirements and help keep you compliant. To register, please visit <http://envirosys.com/escuniversity/default.aspx>.

Workshop	Date	Location
PADEP Rev 8 Regulations	March 18	Harrisburg, PA
PADEP Mercury Regulations	March 19	Harrisburg, PA
PADEP Rev 8 Configuration	May 9	St. Louis, MO