

Optional Adherence to Startup, Shutdown and Malfunction Plan under MACT

On April 20, 2006 (71 FR 20446-20472), EPA has finalized a rule change removing the requirement that a source's Startup, Shutdown and Malfunction Plan (SSMP) must be followed during periods of startup, shutdown and malfunction. Source's regulated under MACT standards in 40 CFR 63 are still required to prepare an SSMP, but adherence to the plan is optional. Eliminating this requirement clarifies that the SSMP's are a planning tool rather than an operating procedure to be followed during periods of startup, shutdown and malfunction. The source still has the general duty to minimize emissions during periods of startup, shutdown and malfunction.

Other changes included in the rulemaking:

- **Recordkeeping and Reporting** - The previous general provisions required records of the occurrence and duration of each startup, shutdown and malfunction. The new rulemaking requires reporting and recordkeeping only when a startup or shutdown causes the applicable emission standard to be exceeded. Records of all periods of malfunctions are still required.
- **Public Access:** In final amendments issued on May 30, 2003 (68 FR 32586), EPA required that a copy of the SSMP be promptly submitted to its permitting authority if requested, or if the public makes a specific and reasonable request to receive the copy. This final rule removes this requirement for routine public access of plans. Public access would only be available as part of a CAA Section 114 (c) information request.