

Clean Air Act/Applicability Determination Index: U.S. Environmental Protection Agency March 18th Notice of Additions



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The United States Environmental Protection Agency (“EPA”) maintains a compendium of written responses to certain Clean Air Act inquiries from owners or operators of stationary sources.

The compendium is known as the Applicability Determination Index (“ADI”).

EPA in a March 18th Federal Register Notice announced that it had added documents to the ADI. See 84 Fed. Reg. 9783.

The ADI includes responses from EPA to source owners or operators as to a determination of whether certain intended actions constitute the commencement of construction, reconstruction, or modification under the Clean Air Act program such as the general provisions of the New source Performance Standards and the National Emission Standards for hazardous air pollutants.

The EPA also responds to written inquiries regarding other topics such as alternative monitoring/recordkeeping. The agency has also noted that inquiries may pertain, for example, to type of sources to which the regulation applies, or to the testing, monitoring, recordkeeping, or reporting requirements contained in the regulations.

State regulators and the regulated community often refer to the ADI for guidance even in states (such as Arkansas) that have been delegated the relevant programs.

The March 18th notice lists the various documents by identifying:

- Control number
- Clean Air Act category
- Subpart
- Descriptive title

Examples of applicability determinations added to the compendium include:

- Applicability Determination for Hospital/Medical/Infectious Waste Incinerator
- Regulatory Interpretation for Continuous Monitoring System Downtown and Emission Reporting
- Applicability Determination for Coal Storage and Transport Operation
- Waiver of Opacity Observation and Alternative Compliance Measure at Non-Metallic Mineral Processing Plant
- Alternative Testing for Nitrogen Oxides at Stationary Gas Turbines

- Regulatory Interpretation for Recordkeeping at Storage Tanks
- Clarification of Emergency and Non-Emergency Generator Use
- Alternative Monitoring Plan for Vapor Combustion Unit at Gasoline Distribution Terminal
- Applicability Determination for Flare at a Municipal Solid Waste Landfill

A copy of the Federal Register Notice can be found [here](#).