Message

From: Lisa Rector [lrector@nescaum.org]
Sent: 5/14/2020 7:14:55 PM
To: Johnson, Steffan [johnson.steffan@epa.gov]
CC: Toney, Mike [Toney.Mike@epa.gov]; Sanchez, Rafael [Sanchez.Rafael@epa.gov]; Scinta, Robert [scinta.robert@epa.gov]
Subject: RE: test report questions....

Sorry Stef and/or Bob, I apologize that my questions weren't clear as they regulate to the regulatory requirements under the NSPS. 60.537(a0(2) requires companies to maintain all documents pertaining to certification and refers to section 60.533. 60.533(m) places the requirements below including the requirement that the third party certifier must review and approve the models quality assurance program. Which leads to my questions:

1) if the Quality Assurance Program is part of the third party review, shouldn't that it part of the test report that is publicly posted?
2) Under what authority can the 60.533(m) materials be held confidential as they are part of determining compliance with the regulations?
3) 60.533(m)(3) requires, at a minimum, annual unannounced inspections. How are those inspections being tracked and where are the results of those inspections?
4) If the test report does not contain detailed information about firebox size calculations, how can the audit confirm that the unit tested is meeting the requirements under the rule that the manufactured model must be similar in all material respects that would affect emissions under 60.533(m)(1)?
5) 60.533(m)(4) states that the third party certifier must submit the results to the Administrator (EPA) within 30 days of completing the audits. Are those going to OECA or OAQPS? Where can the public track submission of those documents?
6) 60.533(m)(5) requires that all corrective action must be submitted to EPA and the third party certifier within 30 days. Where can the public track submission of those documents?

(m) Quality assurance program. *On or after May 16, 2016, for each certified model line, the manufacturer must conduct a quality assurance program that satisfies the requirements of paragraphs (m)(1) through (5) of this section. The quality assurance program requirements of this paragraph (m) supersede the quality assurance plan requirements previously specified in § 60.533(o) that was in effect prior to May 15, 2015. The manufacturer of a model line with a compliance certification under paragraph (h)(1) of this section must conduct a quality assurance program that satisfies the requirements of this paragraph (m) by May 16, 2016.*

(1) *The manufacturer must prepare and operate according to a quality assurance plan for each certified model line that includes specific inspection and testing requirements for ensuring that all units within a model line are similar in all material respects that would affect emissions to the wood heater submitted for certification testing and meet the emissions standards in § 60.532.*

(2) *The quality assurance plan must be approved by the third-party certifier as part of the certification of conformity process specified in paragraph (f) of this section.*

(3) *The quality assurance plan must include regular (at least annual) unannounced audits by the third-party certifier under ISO-IEC Standard 17065 to ensure that the manufacturer's quality assurance plan is being implemented.*

(4) *The quality assurance plan must include a report for each audit under ISO-IEC Standard 17065 that fully documents the results of the audit. The third-party certifier must be authorized and required to submit all such reports to the Administrator and the manufacturer within 30 days of the audit. The audit report must identify deviations from the manufacturer's quality assurance plan and specify the corrective actions that need to be taken to address each identified deficiency.*

(5) *Within 30 days after receiving each audit report, the manufacturer must report to the third-party certifier and to the Administrator its corrective actions and responses to any deficiencies identified in the audit report. No such report is required if an audit report did not identify any deficiencies.*

From: Johnson, Steffan <johnson.steffan@epa.gov>
Sent: Thursday, May 14, 2020 2:50 PM
To: Lisa Rector <lrector@nescaum.org>
Cc: Toney, Mike <Toney.Mike@epa.gov>; Sanchez, Rafael <Sanchez.Rafael@epa.gov>; Scinta, Robert <scinta.robert@epa.gov>
Subject: RE: test report questions....

Lisa,

QAP is a term that in my world is generally applied to research. If you are collecting information to create a new measurement technique, or to use external data to aid in that work, a QAPP is a necessary part of the research program.

Compliance testing is designed to meet the QA/QC criteria that are defined in the test method such that the data are then suited to the purpose of compliance determination. ALL recorded data need to be presented in the test report, including the dimension information you ask about. Calculation of the firebox volume is a key criteria, and the data that provides for that calculation is a required element of the test report.

EPA does not receive reports of ISO or audits of ISO programs. EPA does require current ISO certifications from laboratories to maintain their standing as an EPA Approved Test lab.

It is unknown to me whether or not a private party can access a companies ISO audit records or other accreditation report documentation. I suspect not, but I honestly do not know.

I hope this is helpful to some extent,

Stef

From: Lisa Rector <lrector@nescaum.org>
Sent: Thursday, May 14, 2020 2:38 PM
To: Johnson, Steffan <johnson.steffan@epa.gov>
Subject: RE: test report questions....

Sorry, more questions....this time about quality assurance programs (QAP) 50.333(m):

1. Are QAPs part of the test report? I know they are part of the certification package and I sometimes see them as appendices in test reports.
2. Are the QAPs public documents or do they have protection under CBI?
3. How can the public obtain information about ISO inspections?
4. Does EPA receive results of ISO inspections?
5. If firebox calculations aren't part of the test report, how can a confirmation be made that the unit tested conforms to the comparison be made to the engineering designs and QAP requirements?

From: Johnson, Steffan <johnson.steffan@epa.gov>
Sent: Thursday, May 14, 2020 12:43 PM
To: Toney, Mike <Toney.Mike@epa.gov>; Lisa Rector <lrector@nescaum.org>
Subject: RE: test report questions....

Lisa,

Everyone present should be listed in the report text. There is an example in our GD-43:

https://www3.epa.gov/ttn/emc/guidlnd/gd-043.pdf

Although this stops short of a 'requirement', and lists 'key personnel' who I interpret as 'all present'.

The General Provisions of 40 CFR 60.8(f) do list test report requirements but stop short of saying "all personnel". But what I will say is that our opinion is that ANYONE present during a compliance test who interacts with the compliance test program (facility, lab, regulatory agent, consultant, or vendor) must be mentioned in the test report so that the Administrator can ascertain the veracity of the testing and operations of the source during the test.

We are re-working the above linked guideline document and I'll see to it that language similar to the above go into that document.

Stef

From: Toney, Mike <Toney.Mike@epa.gov>
Sent: Thursday, May 14, 2020 11:17 AM
To: Lisa Rector <lrector@nescaum.org>; Johnson, Steffan <johnson.steffan@epa.gov>
Subject: RE: test report questions....

They normally don't but sometime a manuf. rep. does come, and sometimes instructs how to set up heater. If they are there are present they, it would not hurt to state that they are present.

From: Lisa Rector [mailto:lrector@nescaum.org]
Sent: Thursday, May 14, 2020 11:13 AM
To: Toney, Mike <Toney.Mike@epa.gov>; Johnson, Steffan <johnson.steffan@epa.gov>
Subject: RE: test report questions....

Thanks Mike for the quick response but I am still wondering if the report needs to indicate if a manufacturer representative was present, and if so, should their names be listed. I am used to seeing witness listed in traditional stack test reports.

From: Toney, Mike <Toney.Mike@epa.gov>
Sent: Thursday, May 14, 2020 11:10 AM
To: Lisa Rector <lrector@nescaum.org>; Johnson, Steffan <johnson.steffan@epa.gov>
Subject: RE: test report questions....

The test report should have key personnel who conducted the test on the field data sheets. The manuf. can be present but cannot communicate with lab personnel once the test begins. They can write a note if they see something wrong.

From: Lisa Rector [mailto:lrector@nescaum.org]
Sent: Thursday, May 14, 2020 11:06 AM
To: Toney, Mike <Toney.Mike@epa.gov>; Johnson, Steffan <johnson.steffan@epa.gov>
Subject: test report questions....

Sorry more test report questions. Should the test report list who at the lab conducted the test and if any manufacturer representatives or other interested parties were present?

NESCAUM

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