



## DEPT. OF ENVIRONMENT AND ENERGY

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# Source Trial Policy

NDEE air construction and operating permits issued to sources typically require performance testing for some emission units. Valid test results help demonstrate compliance with permit limits, emission inventory, and future permitting actions. Test results are usually considered valid as long as the source continues to operate under conditions representative of those in which the test was conducted. Trials of new process materials or methods or changes to controls at a source may trigger an evaluation by NDEE under [Title 129, Chapter 15 Section 005.01](#) to determine if prior testing would still be considered representative as well as whether additional performance testing is needed.

The following policy is intended to clarify how the NDEE's Air Quality Program (AQP) evaluates trials under that rule. The AQP supports owner and operator interests in production at a source and efficiency improvements in their processes, while maintaining compliance with regulations. This policy addresses the use of trials at a source to accomplish those goals. However, please note that if there is a reasonable possibility that a proposed trial will violate any applicable permit condition or State or Federal regulation, then the trial cannot be accepted.

The AQP recommends the following procedure when a source wants to conduct a trial without triggering a subsequent review by the AQP under Chapter 15.

- A source conducting a trial will provide the AQP a written request that outlines the length, scope, and objectives of the trial at least 30 days before the start of the trial.
- A schedule for conducting performance testing during the trial must be included if the trial is scheduled to last longer than 30 days.
  - The AQP will evaluate representative engineering test data obtained during the trial period in considering whether to waive the performance testing requirement.
  - The waiver will only be considered if the information is submitted in a timeframe that allows the AQP sufficient time to review and evaluate the data.
- Within 60 days following completion of the trial, the source must provide a report to the AQP detailing results to the objectives of the trial. Any emissions data gathered during the trial must be included in the report along with source operational parameters.
- For subsequent trials on an emission unit being conducted during any 12 consecutive calendar months, performance testing will be required, regardless of the length of the trial.

This trial policy does not apply to emission units using a qualified CEM system for pollutants potentially affected by the trial. Nothing in this policy waives the right of the AQP to require testing under Title 129, Chapter 15. This trial policy does not supersede or replace any regulatory requirement to apply for and obtain a permit.