

NOV 29 1978

Mr. Fred Kloiber
Director of Engineering and Operations
National Asphalt Pavement Association
6811 Kenilworth Avenue
Riverdale, Maryland 20840

Dear Mr. Kloiber:

This responds to your letter of September 13, 1978. In that letter, you asked us to comment on a series of questions and answers on PSD issues which you prepared for the members of the National Asphalt Pavement Association. As you will see, we have modified a number of your answers. I have also suggested the deletion of one question and the addition of another.

We are pleased that you took the initiative to set up a meeting with EPA personnel last August. Only through such meetings can we best understand industry's specific concerns. I believe that NAPA serves its members well by seeking industry-specific clarification of rules.

I trust this is responsive to your request. We have coordinated this response with Mr. Edward Reich, Chief, Stationary Source Enforcement Division, to whom you sent a similar letter.

Sincerely,

Darryl D. Tyler
Chief
Standards Implementation Branch

Enclosure

cc: E. Reich

REQUIREMENTS FOR THE PROTECTION OF SIGNIFICANT AIR QUALITY DETERIORATION--
CONSTRUCTION, RELOCATION, RECONSTRUCTION OR MODIFICATION
OF ASPHALT HOT-MIX PLANTS

1. Must asphalt hot-mix plants meeting the requirements of SIP, NSPS, and not impacting on a Class I area or an area where a known violation of an applicable increment exists, undergo a full PSD review?

Answer: According to Section 52.21(k) of the PSD regulations and the discussion on pages 26393 and 26394 of the June 19, 1978, FEDERAL REGISTER, sources with allowed emissions less than 50 tons/year, 1000 pounds/day, and 100 pounds/hour, and temporary sources are exempt from air quality impacts review including any requirements for modeling or monitoring so long as they impact no Class I area and no area where the increment is known to be violated. Additionally, sources with allowable emissions less than 50 tons per year are not subject to source-specific BACT review under Section 52.21(j). See also answer #4.

2. What is considered to be a "safe distance" from a Class I area?

Answer: EPA does not have a policy of establishing specific "safe" distances. However, sources can easily estimate their relative emissions impact by the use of desk-top calculations shown in Guidelines for Air Quality Maintenance Planning and Analyses, Volume 10 (Revised): Procedures for Evaluating Air Quality Impacts of New Stationary Sources, EPA-450/4-77-001 (U.S. EPA, Library Service Office, Research Triangle Park, N.C. 27711, October 1977). While more definitive guidance is being developed, anticipated impacts to Class I areas will be determined on a case-by-case basis.

3. Do the 50-ton source requirements apply to nonattainment areas, as well as to attainment areas, and does the offset requirement apply to such a source?

Answer: If allowable permit emissions are less than 50 tons/year, 1000 pounds/day, and 100 pounds/hour, the PSD exemptions apply in both non-attainment and attainment areas. The PSD regulations apply to sources which would impact a clean area whether that area is a designated attainment area or a clean pocket of a designated nonattainment area. A source which impacts both "clean" and "dirty" areas may be subject to both the offset policy and the PSD regulations, although EPA does not plan to require any duplicative review where requirements of the two policies would be identical. While the emissions offset policy for nonattainment areas currently applies only to sources with allowable emissions greater than 100 tons/year, it is expected to be revised such that it will cover sources with potential emissions of 100 tons or more per year. A two-tier review similar to that in the PSD regulations will probably be established with a 50 ton/year allowable emission level as the cutoff for full review.

4. Is the application of LAER or BACT required under any circumstances and in any designated area?

Answer: BACT applies to all sources (including all asphalt plants) that receive a PSD permit, regardless of location, which have allowable emissions levels greater than 50 tons/year, 1,000 pounds/day or 100 pounds/hour. BACT is determined on a case-by-case basis and must be at least as stringent as NSPS.

Currently, the emission offset policy applies only to sources with allowable emissions levels greater than 100 tons/year. As discussed in the response to question #3, the offset policy is expected to be revised so that it contains a two-tiered review similar to that in PSD. The LAER requirement would apply to sources with both potential emissions of 100 tons/year or more and allowable emissions of 50 tons/year or more.

5. What is the definition of a known violation of an applicable increment?

Answer: A violation of an ambient air quality increment occurs when the increase in pollutant concentrations over the baseline level exceed the increment allowed under §52.21(c). The term "baseline" is defined in §52.21(b)(11) and reflects actual air quality as of August 7, 1977. Allowable emissions of major sources permitted since January 6, 1975, and the allowable emissions of major and minor sources constructed after August 7, 1977, consume increment.

6. How are the emissions for a hot-mix asphalt plant calculated?

Answer: Annual potential emissions shall be based on the maximum annual rated capacity of the plant, unless the plant is subject to enforceable permit conditions which limit the annual hours of operation. Enforceable permit conditions on the type and amount of materials combusted or processed may be used in determining the potential emission rate of a source. The potential emissions of a hot-mix asphalt plant may be calculated based on expected annual tonnage if a limit to production is imposed as an enforceable condition of a permit issued under the State Implementation Plan.

7. Can the EPA Regions demand from State, county or city control agencies retention of "prominent newspaper advertisement" because of an earlier agreement?

Answer: We do not wish to answer this question without knowing the particular facts involved. We doubt it has national application and suggest it be deleted.

8. Is it necessary that a State permit for a 50-ton source be granted before a PSD application can be submitted?

Answer: The application for a State permit and PSD review should proceed concurrently. However, where a source with allowable emissions more than 50 tons/year is subject to both the offset policy and PSD review, the State permit must be issued first. The purpose of this requirement is to ensure

that necessary offsets have been obtained prior to PSD permit issuance since a PSD permit can be issued only after a demonstration that the source will not cause a NAAQS to be exceeded. This requirement does not apply to PSD sources that are not also subject to the offset policy.

9. Which pollutants are covered by PSD review and nonattainment review, and how are they applied?

Answer: Although PSD increments have been established only for sulfur dioxide and particulates, the PSD regulations apply to all pollutants which are regulated under the Clean Air Act. Regulated pollutants other than SO₂ and particulate matter are subject to all PSD requirements (including BACT) except the analysis for increment impact.

The emission offset policy (nonattainment review) applies to all "criteria" pollutants. These pollutants include total suspended particulate matter, sulfur dioxide, nitrogen oxides (measured as NO₂), carbon monoxide, and hydrocarbons. Pursuant to section 108 of the Clean Air Act, the Administrator has determined that these pollutants cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare.

10. If an asphalt hot-mix plant can prove that "potential," i.e., uncontrolled, emissions are lower than 250 tons per year, is this plant exempt from PSD review?

Answer: If the potential emissions from an asphalt hot-mix plant are less than 250 tons/year, the plant is not subject to PSD review. Annual potential emissions shall be based on the maximum annual rated capacity of the plant unless the plant is subject to enforceable permit conditions which limit the annual hours of operation. Enforceable permit conditions on the type and amount of materials combusted or processed may be used in determining the potential emission rate of a source.

11. Does "providing an opportunity for a public hearing" mean that a public hearing actually must be held?

Answer: No. Under paragraph 21.21(r)(2)(y), it is stated that only an opportunity for a public hearing must be provided.

12. Must an asphalt hot-mix plant undergo PSD review every time it moves to a new location?

Answer: According to Section 52.21(i)(7), a portable facility which has received a PSD permit meeting the requirements of the new regulations may relocate without undergoing additional PSD review, provided: the source notifies the reviewing agency of such relocation 30 days in advance; the proposed location would impact no Class I area and no area where the PSD increment is known to be exceeded; and emissions from the facility would not exceed allowable emissions levels.