

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

MAR 30 1978

MEMORANDUM

SUBJECT: Applicability of PSD Requirements to Asphalt Plants

FROM: Director,
Division of Stationary Source Enforcement

TO: Gordon M. Rapier, Director
Air and Hazardous Materials Division, Region III

This is in response to your memo dated February 17, 1978, concerning asphalt plants and their applicability to the Prevention of Significant Deterioration (PSD) Regulations. There is an exemption included in the latest draft of the PSD regulations (March 21, 1978) which, if promulgated, would lessen the requirements as they would apply to asphalt plants. The general exemption states:

"The Administrator shall limit preconstruction requirements to those of paragraphs (1) (best available control technology) and (2) (public participation) of this section, except where impacts to Class I areas are reasonably expected if -

(1)

(2) The emissions subject to review are of a temporary nature including but not limited to those such as pilot plants, portable facilities, or the emissions from the construction phase activities of a new source or from exploratory operations.

(3)

This exemption will, therefore, require that each new or modified asphalt plant with the potential to emit 250 tons per year or more of any pollutant regulated under the Act to apply BACT, and that every relocation will require that the source undergo some public review. The preamble to these draft regulations states that for sources of this type EPA would provide for an expedited review. This would include public evaluation of the BACT limits. The Administrator will attempt to complete the public participation process for those sources within 45 days of making the BACT determination.

Within the 45 day period itself, the EPA expects to administer a 30 day public comment period beginning with the first day. In addition to giving due notice of the Agency's tentative BACT decision on day one, EPA will also solicit comment on the need to conduct a public hearing. If no response to the latter is received by day 15, no public hearing will be deemed necessary. If no supportable concerns are received during the scheduled 30 day public comment period (or the Public hearing if one is held), the Administrator intends to issue final approval to construct within 15 days after the public comment period has ended.

While all of this previous discussion would alleviate most of the concerns surrounding the asphalt plant problem, it must be remembered that this is only a draft of the final rules and that reliance on their content should be minimized until the rules are promulgated.

If you should have any further questions or comments concerning this matter, please contact Rich Biondi (755-2564) of my staff.

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Edward E. Reich

cc: Mike Trutna - CPDD

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III - 6th & Walnut Sts.
Philadelphia, Pa. 19106

FEB 17 1978

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FROM: Gordon M. Rapier, Director
Air & Hazardous Materials Division, 3AH00

TO: Edward Reich, Director
Division of Stationary Source, EN-341

Recently, two of the State air pollution control agencies in Region III raised questions regarding the applicability of Part C of the 1977 Clean Air Act requirements to asphalt plants. This is to request clarification as to when Part C requirements are applicable to these facilities. Specifically;

(1) What criteria should be applied to determine the applicability of Part C requirements?

(2) How are the terms "source", "stationary source", or "facility" applied to these operations (they are continually relocated during seasonal paving operations)?

(3) If, for instance, these facilities are relocated every three or six months, to what extent should the one year requirement for ambient monitoring data be applied?

(4) Should the owner/operator, etc., be required to perform an air quality impact modeling analysis everytime the operation relocates?

(5) Would the opportunity for a public hearing be made available each time the facility relocated if such relocation is defined as a new source?

Your attention to this matter is appreciated. If you have any questions regarding the above, please contact Glenn Hanson of my staff at 215/597-8170.