

APPENDIX 11

NSPS

PART 60 NSPS ADOPTED BY THE STATE

fossil fuel-fired steam generators for which construction is commenced after August 1, 1971 (40 CFR 60.40 to 60.47, Subpart D)

electric utility steam generating units for which construction is commenced after September 18, 1978 (40 CFR 60.40a to 60.49a, Subpart Da)

industrial-commercial-institutional steam generating units (40 CFR 60.40b to 60.49b, Subpart Db)

small industrial-commercial-institutional steam generating units (40 CFR 60.40c to 60.48c, Subpart Dc)

incinerators (40 CFR 60.50 to 60.54, Subpart E)

municipal waste combustors (40 CFR 60.50a to 60.59a, Subpart Ea)

municipal waste combustors for which construction is commenced after September 20, 1994 (40 CFR 60.50b to 60.59b, Subpart Eb)

hospital, medical, and infectious waste incinerators for which construction is commenced after June 20, 1996 (40 CFR 60.50c to 60.58c, Subpart Ec)

portland cement plants (40 CFR 60.60 to 60.66, Subpart F)

nitric acid plants (40 CFR 60.70 to 60.74, Subpart G)

sulfuric acid plants (40 CFR 60.80 to 60.85, Subpart H)

asphalt concrete plants (40 CFR 60.90 to 60.93, Subpart I)

petroleum refineries (40 CFR 60.100 to 60.109, Subpart J)

storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after June 11, 1973, and prior to May 19, 1978 (40 CFR 60.110 to 60.113, Subpart K)

storage vessels for petroleum liquids, for which construction, reconstruction, or modification commenced after May 18, 1978 and prior to July 23, 1984 (40 CFR 60.110a to 60.115a, Subpart Ka)

volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984 (40 CFR 60.110b to 60.117b, Subpart Kb)

secondary lead smelters (40 CFR 60.120 to 60.123, Subpart L)

secondary brass and bronze ingot production plants (40 CFR 60.130 to 60.133, Subpart M)

iron and steel plants (40 CFR 60.140 to 60.144, Subpart N)

basic oxygen process steelmaking facilities for which construction is commenced after January 20, 1983: (40 CFR 60.140a to 60.145a, Subpart Na)

sewage treatment plants (40 CFR 60.150 to 60.156, Subpart O)

primary copper smelters (40 CFR 60.160 to 60.166, Subpart P)

primary zinc smelters (40 CFR 60.170 to 60.176, Subpart Q)

primary lead smelters (40 CFR 60.180 to 60.186, Subpart R)

primary aluminum reduction plants (40 CFR 60.190 to 60.195, Subpart S)

phosphate fertilizer industry: wet process phosphoric acid plants (40 CFR 60.200 to 60.204, Subpart T)

phosphate fertilizer industry: superphosphoric acid plants (40 CFR 60.210 to 60.214, Subpart U)

phosphate fertilizer industry: diammonium phosphate plants (40 CFR 60.220 to 60.224, Subpart V)

phosphate fertilizer industry: triple superphosphate plants (40 CFR 60.230 to 60.234, Subpart W)

phosphate fertilizer industry: granular triple superphosphate storage facilities (40 CFR 60.240 to 60.244, Subpart X)

coal preparation plants (40 CFR 60.250 to 60.254, Subpart Y)

ferroalloy production facilities (40 CFR 60.260 to 60.266, Subpart Z)

steel industry: electric arc furnaces constructed after October 21, 1974 and on or before August 17, 1983 (40 CFR 60.270 to 60.276, Subpart AA)

steel plants: electric arc furnaces and argon-oxygen decarburization vessels constructed after August 17, 1983 (40 CFR 60.270a to 60.276a, Subpart AAa)

kraft pulp mills (40 CFR 60.280 to 60.286, Subpart BB)

glass manufacturing plants (40 CFR 60.290 to 60.296, Subpart CC)

grain elevators (40 CFR 60.300 to 60.304, Subpart DD)

surface coating of metal furniture (40 CFR 60.310 to 60.316, Subpart EE)

stationary gas turbines (40 CFR 60.330 to 60.335, Subpart GG)

lime manufacturing plants (40 CFR 60.340 to 60.344, Subpart HH)

lead-acid battery manufacturing (40 CFR 60.370 to 60.374, Subpart KK)

metallic mineral processing plants (40 CFR 60.380 to 60.386, Subpart LL)

automobile and light duty truck surface coating operations (40 CFR 60.390 to 60.398, Subpart MM)

phosphate rock plants (40 CFR 60.400 to 60.404, Subpart NN)

ammonium sulfate manufacturing (40 CFR 60.420 to 60.424, Subpart PP)

graphic arts industry: publication rotogravure printing (40 CFR 60.430 to 60.435, Subpart QQ)

pressure sensitive tape and label surface coating operations (40 CFR 60.440 to 60.447, Subpart RR)

industrial surface coating: large appliances (40 CFR 60.450 to 60.456, Subpart SS)

metal coil surface coating (40 CFR 60.460 to 60.466, Subpart TT)

asphalt processing and asphalt roofing manufacture (40 CFR 60.470 to 60.474, Subpart UU)

equipment leaks of VOC in the synthetic organic chemicals manufacturing industry (40 CFR 60.480 to 60.489, Subpart VV)

beverage can surface coating industry (40 CFR 60.490 to 60.496, Subpart WW)

bulk gasoline terminals (40 CFR 60.500 to 60.506, Subpart XX)

rubber tire manufacturing industry (40 CFR 60.540 to 60.548, Subpart BBB)

volatile organic emissions from the polymer manufacturing industry (40 CFR 60.560 to 60.566 except 40 CFR 60.562-2(c), Subpart DDD)

flexible vinyl and urethane coating and printing (40 CFR 60.580 to 60.585, Subpart FFF)

equipment leaks of VOC in petroleum refineries (40 CFR 60.590 to 60.593, Subpart GGG)

synthetic fiber production facilities (40 CFR 60.600 to 60.604, Subpart HHH)

volatile organic compound emissions from the synthetic organic chemical manufacturing industry air oxidation unit processes (40 CFR 60.610 to 60.618, Subpart III)

petroleum dry cleaners (40 CFR 60.620 to 60.625, Subpart JJJ)

onshore natural gas processing plants: equipment leaks of volatile organic compounds (40 CFR 60.630 to 60.636, Subpart KKK)

onshore natural gas processing: SO₂ emissions (40 CFR 60.640 to 60.648, Subpart LLL)

volatile organic compound emissions from synthetic organic chemical manufacturing industry distillation operations (40 CFR 60.660 to 60.668, Subpart NNN)

nonmetallic mineral processing plants (40 CFR 60.670 to 60.676, Subpart OOO)

wool fiberglass insulation manufacturing (40 CFR 60.680 to 60.685, Subpart PPP)

volatile organic compound emissions from petroleum refinery wastewater systems (40 CFR 60.690 to 60.699, Subpart QQQ)

volatile organic compound emissions from the synthetic chemical manufacturing industry reactor processes (40 CFR 60.700 to 60.708 except 40 CFR 60.703(e), Subpart RRR)

magnetic tape coating facilities (40 CFR 60.710 to 60.718, Subpart SSS)

industrial surface coating: surface coating of plastic parts for business machines (40 CFR 60.720 to 60.726, Subpart TTT)

calciners and dryers in mineral industries (40 CFR 60.730 to 60.737, Subpart UUU)

polymeric coating of supporting substrates facilities (40 CFR 60.740 to 60.748, Subpart VVV)

municipal solid waste landfills (40 CFR 60.750 to 60.759, Subpart WWW)

CONDITIONS UNDER WHICH NSPS HAVE BEEN DELEGATED

The Environmental Protection Agency has delegated new source performance standards in 40 CFR Part 60 and national emission standards in 40 CFR Part 61 with the following conditions:

1. Existing quarterly reports normally submitted to EPA through program plan reporting will be expanded to contain pertinent information relating to the status of sources subject to 40 C.F.R. Parts 60 and 61. As a minimum, the following information should be provided to EPA: the name, address, type and size of each facility subject to the standards, the compliance status of each facility with accompanying explanations of non-compliance where applicable notice of enforcement actions brought

against facilities subject to 40 C.F.R. Parts 60 and 61, surveillance actions undertaken for each facility, and the results of all reports relating to emissions data.

2. Enforcement of NSPS and NESHAPS in the State of North Carolina will be the primary responsibility of the Environmental Management Commission. If the State determines that such enforcement is not feasible and so notifies EPA, or where the State acts in a manner inconsistent with the terms of this granted authority, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the State of North Carolina subject to the NSPS and NESHAPS.
3. Acceptance of this delegation of presently promulgated NSPS and NESHAPS does not commit the State of North Carolina to request or accept enforcement authority of future standards and requirements. A new request for enforcement authority will be required for any standards not included in Paragraphs A and B above. [Paragraphs A and B are not included in this excerpt. Paragraph A lists the NSPS delegated to North Carolina. Paragraph B lists the NESHAPS delegated to North Carolina. These NSPS and NESHAPS were those that EPA had promulgated by February 1976.]
4. Upon approval of the Regional Administrator of Region IV, the Chairman of the North Carolina Environmental Management Commission may subdelegate his authority to implement and enforce the NSPS and NESHAPS to air pollution control authorities in the State when such authorities have demonstrated that they have equivalent or more stringent programs in force.
5. This enforcement authority to the State of North Carolina does not include the authority to implement and enforce NSPS (40 C.F.R. Part 60) and NESHAPS (40 C.F.R. Part 61) for sources owned or operated by the United States, which are located in the State. This condition in no way relieves any Federal facility from meeting the requirements of 40 C.F.R. Parts 60 and 61.
6. The State of North Carolina will at no time grant a waiver of compliance with NESHAPS (40 C.F.R. 61.11). The State of North Carolina will at no time grant a variance or other temporary or permanent exemption from compliance with NSPS (40 C.F.R. Part 60) and NESHAPS (40 C.F.R. Part 61) regulations. Should the State grant such a variance or other exemption, EPA will consider the source receiving the variance or exemption to be in violation of the applicable Federal regulations and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the State shall also constitute ground for revocation of delegation by EPA.

7. If at any time there is a conflict between a State regulation and a Federal regulation (40 C.F.R. Parts 60 and 61), the Federal regulation must be applied if it is more stringent than that of the State. If the State does not have the authority to enforce a Federal regulation that is more stringent than the applicable State regulation, the pertinent portion of the delegation may be revoked.
8. Performance tests shall be conducted in accordance with the procedures set forth in 40 C.F.R. Parts 60 and 61 unless alternate methods or procedures are approved by the EPA Administrator. Although the Administrator retains the exclusive right to approve equivalent and alternative test methods as specified in 40 C.F.R. 60.8(b)(2) and (3), the State may approve minor changes in methodology provided these changes are reported to EPA. The Administrator also retains the right to change an opacity standard as specified in 40 C.F.R. 60.11(e).
9. Alternatives to continuous monitoring procedures or reporting requirements, as outlined in 40 C.F.R. 60.12(h)(i), may be approved by the State with the prior concurrence of the EPA Administrator.
10. If the Regional Administrator determines that the State procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the North Carolina Environmental Management Commission.
11. Information shall be made available to the public in accordance with 40 C.F.R. 60.9(b) and 61.15(b). Any records, reports or information provided to, or otherwise obtained by the State in accordance with the provisions of these Sections shall be made available to the designated representative of EPA upon request.⁷

NSPS NOT DELEGATED

The following new source performance standards are not delegated:[†]

⁷ Jack Ravan to John Thomas, 24 Nov. 1976 (letter containing conditions under which NSPS and NESHAP are delegated).

[†] R. Douglas Neeley to Alan W. Klimek, 30 Sept. 1998 (letter on new source performance standards delegation). R. Douglas Neeley to Alan W. Klimek, 1 May 2000 (letter on new source performance standards delegation).

1. Subpart A – §60.8(b)(2) and (3); §60.11(e)(7) and (8); §60.13(g), (i), and (j)(2).
2. Subpart B – §60.22; §60.27; §60.29.
3. Subpart Da – §60.45a.
4. Subpart Db – §60.44b(f); §60.44b(g); §60.49b(a)(4).
5. Subpart Dc – §60.48c(a)(4).
6. Subpart Ec – §60.56(c)(i).
7. Subpart J – §60.105(a)(13)(iii); §60.105(i)(12).
8. Subpart Ka – §60.114a.
9. Subpart Kb – §60.111b(f)(4); §60.114b; §60.116b(e)(3)(iii) and (iv); §60.116b(f)(2)(iii).
10. Subpart O – §60.153(e).
11. Subpart EE – §60.316(d).
12. Subpart GG – §60.334(b)(2); §60.335(f)(1).
13. Subpart RR – §60.446(c).
14. Subpart SS – §60.456(d).
15. Subpart TT – §60.466(d).
16. Subpart UU – §60.474(g).
17. Subpart VV – §60.482-1(c)(2); §60.484.
18. Subpart WW – §60.496(c).
19. Subpart XX – §60.502(e)(6).
20. Subpart AAA – §60.531, §60.533; §60.534; §60.535; §60.536(i)(2); §60.537; §60.538(e); §60.539.
21. Subpart BBB – §60.543(c)(2)(ii)(B).
22. Subpart DDD – §60.562-2(c).
23. Subpart III – §60.613(e).
24. Subpart NNN – §60.663(e).
25. Subpart RRR – §60.703(e).
26. Subpart SSS – §60.711(a)(16); §60.713(b)(1)(i); §60.713(b)(1)(ii); §60.713(b)(5)(i); §60.713(d); §60.715(a); §60.716.
27. Subpart TTT – §60.723(b)(1); §60.723(b)(2)(i)(C); §60.723(b)(2)(iv); §60.724(e); §60.725(b).
28. Subpart VVV – §60.743(a)(3)(v)(A) and (B); §60.743(e); §60.745(a); §60.746.
29. Subpart WWW – §60.754(a)(5).

RECONSTRUCTION

40 CFR 60.15 of the New Source Performance Standards (NSPS) specifies that reconstruction occurs if the fixed capital costs of the new components exceed 50 percent of the fixed capital cost of a comparable entirely new facility (source) and if it is technologically and economically feasible for the facility (source) to comply with the applicable NSPS. Fixed capital cost is the capital needed to provide all the depreciable components, including the costs of engineering, purchase and installation of major process equipment, contractor fees, instrumentation, auxiliary facilities, buildings, and structures. Costs associated with the purchase and installation of air pollution control equipment are only included in the fixed capital cost to the extent that the equipment is required as part of the manufacturing or operating process. When determining nonconstruction costs, care should be exercised to include only those costs associated with the reconstructed affected sources.⁷

APPLICABILITY OF SIP REQUIREMENTS TO NSPS

In general a source subject to a new source performance standard (NSPS) must comply with any applicable state implementation plan (SIP) requirement. However, if a conflict occurs between the NSPS and SIP rules, i.e., complying with the SIP rule prevents compliance with the NSPS rule, then the NSPS rule prevails. Usually, complying with the more stringent of the two will satisfy complying with both. If the allowable emission standard is express in different terms, e.g., the NSPS standard being express in terms of gr/dscf and the SIP standard in terms of lb/hr, then the source must meet both standards. Some SIP rules

⁷James T. Wilburn to C. H. Fancy, 13 Feb 1987 (letter on reconstruction under NSPS).

specifically exclude NSPS sources, at least so far as common pollutants are concerned; these rules include the incinerator rules.⁷

SUBPART Db – INDUSTRIAL-COMMERCIAL- INSTITUTIONAL STEAM GENERATING UNITS

Applicability to Kilns and Process Dryers

40 CFR Part 60, Subpart Db, does not apply to devices that either (1) combust fuel but do not transfer heat from the combustion gases to a heat transfer medium or (2) transfer heat to a heat transfer medium by direct contact or intermixing of the combustion gases and the heat transfer medium. Process dryers and kilns fall into this latter category and, therefore, are not covered under 40 CFR Part 60, Subpart Db.[†]

Avoiding Applicability by Permit Limitation

A steam generating unit cannot avoid the applicability of Subpart Db by a permit restriction limiting the unit to a maximum heat input of less than 100 million Btu per hour. If the unit is designed or capable of firing greater than 100 million Btu per hour of heat input, then the unit is subject to 40 CFR Part 60, Subpart Db.[‡]

Steam generating units that have design firing rates of 90 to 100 million Btu per hour should be required to monitor fuel feed rates continuously and to perform daily analysis of the fuel for Btu content to ensure that the unit does not exceed 100 million Btu per hour of heat input. Reporting fuel feed rates as hourly averages is recommended. If any

⁷John Evans to Thomas Allen and Donald van der Vaart, "Asphalt Plant Regs," 25 Jan. 1999 (e-mail). Thomas Allen to John Evans, "Re: Asphalt Plant Regs," 26 Jan. 1999 (e-mail). John Evans to Thomas Allen, "Re: Asphalt Plant Regs," (e-mail) 26 Jan. 1999. Thomas Allen to John Evans, "Re: Asphalt Plant Regs," 26 Jan. 1999 (e-mail).

[†]Bruce Jordan to Linda Murphy, *et al.*, "Applicability of NSPS Subpart Db/Dc to Process Dryers," 17 Nov. 1992 (memorandum).

[‡]James T. Wilburn to Ogden Gerald, 6 Nov. 1987 (letter on avoiding applicability of Subpart Db).

hourly fuel feed rate and corresponding Btu content indicate a greater than 100 million Btu per hour of heat input, then the steam generating unit would be considered subject to Subpart Db from the date that 100 million Btu per hour of heat input is exceeded.[~]

SUBPART Dc – SMALL INDUSTRIAL-COMMERCIAL-INSTITUTIONAL STEAM GENERATING UNITS

Reporting

Where the only fuel burned by a unit covered under 40 CFR Part 60, Subpart Dc, is natural gas or distillate oil (No. 2 fuel oil) with a sulfur content less than 0.5 percent and compliance is demonstrated by using supplier certification, monthly fuel usage records may be reported instead of daily fuel usage.[†]

Multiple Boilers

40 CFR Part 60, Subpart Dc defines affected facility as each individual boiler and not the sum of single steam generating units' heat input.[‡]

Applicability to Direct Fired Water Heaters

40 CFR Part 60, Subpart Dc, does not apply to direct-fired water heaters. Subpart Dc does not apply if heat transfer occurs as the result of direct contact between combustion gases and the material being heated. If the water heater uses packing material to transfer heat to the water and

[~]*Ibid.*

[†]John B. Rasnic to Jewell A. Harper,, "Request for Determination Regarding the Daily Fuel Usage Monitoring Requirements in 40 CFR Part 60, Subpart Dc," 28? Feb. 1992? [date illegible] (memorandum). Jewell A. Harper to Kelly Saavedra, "Applicability of 40 C.F.R. Part 60, Subpart Dc," 12 June 1996 (memorandum).

[‡]John B. Rasnic to Donna Abrams, "Subpart Dc Applicability Determination," 17 April 1991 (letter).

the combustion gases used to heat the packing material also come in direct contact with the water being heated, then this is a direct heat exchange; and 40 CFR Part 60, Subpart Dc, does not apply.⁷

If a device combusts any fuel to heat water and a physical barrier separates the water and the hot combustion gases, the device is subject to 40 CFR Part 60, Subpart Dc, if its maximum design heat input capacity is between 10 million Btu per hour and 100 million Btu per hour and if it were constructed, reconstructed, or modified after June 9, 1989. The end use of the heated water is irrelevant.[†]

Applicability to Natural Gas-Fired Boilers

40 CFR Part 60, Subpart Dc applies to small boilers that only burn natural gas or wood. The definition of affected under Subpart Dc is based on size and date of construction, modification, or reconstruction. It encompasses any fuel combusted.[‡]

The only requirement for a natural gas-fired boiler under 40 CFR Part 60, Subpart Dc is the construction and start-up reporting requirement. There are no emission standards for natural gas-fired boilers under this Subpart.[¶]

Applicability to Wood-Fired Boilers

A wood-fired steam generating unit between 10 million Btu/hr and 30 million Btu/hr is subject to the reporting and recordkeeping requirements

⁷Jewell A. Harper to Kelly Saavedra, "Applicability of 40 C.F.R. Part 60, Subpart Dc," 12 June 1996 (memorandum).

[†]*Ibid.*

[‡]Donna Abrams to Thomas H. Creasey, "Subpart Dc Relating to Small Boilers," 12 May 1993 (letter).

[¶]Alan Klimek to Regional Engineers and Assistant Chiefs, "Applicability of Subpart Dc to Natural Gas Fired Boilers," 3 May 1994 (memorandum).

in 40 CFR Part 60, Subpart Dc; however, the particulate matter standard does not apply.[~]

Applicability to Kilns and Process Dryers

40 CFR Part 60, Subpart Dc, does not apply to devices that either (1) combust fuel but do not transfer heat from the combustion gases to a heat transfer medium or (2) transfer heat to a heat transfer medium by direct contact or intermixing of the combustion gases and the heat transfer medium. Process dryers and kilns fall into this latter category and, therefore, are not covered under 40 CFR Part 60, Subpart Dc.[†]

SUBPART E AND Ea – MUNICIPAL WASTE COMBUSTORS

Air Curtain Burners

An air curtain burner that burns both yard waste (trees, logs, large brush, stumps relatively free of soil, tree surgeon debris) and wood (clean dry lumber, such as pallets) may be subject to 40 CFR Part 60, Subpart E or Ea. If it burns exclusively yard wastes, with no pallets or other solid waste components (paper, wood, food waste, leather, rubber, or other combustible and noncombustible materials), it is not subject to 40 CFR Part 60, Subpart E or Ea. Air curtain burners not covered under new source performance standards are covered under **15A NCAC 2D .1904**, Air Curtain Burners. Under **15A NCAC 2D .1904** only land clearing and yard waste material may be burned in an air curtain burner.[‡]

[~]Constantine Sidamon-Eristoff to James Dowd, “Small Wood-fired Steam Generating Units,” 2 Sept. 1992 (letter).

[†]Bruce Jordan to Linda Murphy, *et al.*, “Applicability of NSPS Subpart Db/Dc to Process Dryers,” 17 Nov. 1992 (memorandum).

[‡]Laura S. Butler to Air Quality Regional Engineering Supervisors, *et al.*, “Air Curtain Incinerator Applicability Determination,” 7 Mar. 1994 (memorandum). Jewell A. Harper to Alan Klimek, “Air Curtain Incinerator Applicability Determination,” 1 Feb. 1994 (letter). Jewel A. Harper to Clair H. Fancy, “Air Curtain Incinerator Applicability,” 2 Dec.

Air curtain burners subject to 40 CFR Part 60, Subpart E or Ea must be constructed to comply with the testing requirements set forth in that standard.[~]

SUBPART I – ASPHALT BATCH PLANTS

Recycle Asphalt Product Crushers

40 CFR Part 60, Subpart I, Asphalt Batch Plants, does not apply to recycle asphalt product crushers or to any cold aggregate handling at an asphalt batch plant. Recycle asphalt product crushers are covered under 40 CFR Part 60, Subpart OOO, Nonmetallic Mineral Processing Plants. Subpart I does apply to mineral filler silos and conveying systems as well as systems for handling material from air pollution control equipment.[†]

New Silos at Asphalt Concrete Plants

The construction of a new silo at an asphalt concrete plant does not subject the facility to 40 CFR Part 60, Subpart I.[‡]

Lime Storage Silo

Lime storage silos at a hot mix asphalt plant covered under 40 CFR Part 60, Subpart I are subject to the NSPS opacity standard. However, the silo would not be subject to the initial performance test requirements

1993 (letter). John B. Rasnic to Winston A. Smith, "Air Curtain Incinerator Applicability" 6 Aug. 1993 (memorandum).

[~]*Ibid.*

[†]Laura S. Butler to Air Quality Regional Supervisors, *et al.*, "Permitting Procedures—NSPS Permitting for Hot Mix Asphalt Plants with Recycled Product Systems; Applicable Regulations: 2D .0524(a)(6) and (52), NSPS Subparts I and OOO," 8 Jan. 1996 (memorandum).

[‡]Peter Lloyd to Regional Permit Coordinators, Permit Engineers, and Edward Childs, "Correction to August 7 Memorandum: EPA NSPS – Subpart Dc, I and OOO" 26 Aug. 1996 (memorandum).

because no active control device is installed on the silo and no stack is associated with the silo.~

Pugmill Dump

The opacity standard of 40 CFR Part 60, Subpart I, does not apply to blue smoke emissions at the opening of the pugmill dump during loading of hot mix asphalt concrete into trucks.[†]

Compliance with 15A NCAC 2D .0506

An asphalt batch plant needs to comply with both **15A NCAC 2D .0524** (40 CFR Part 60) and **15A NCAC 2D .0506**, Particulates from Hot Mix Asphalt Plants. The facility is required to meet the more stringent of the two.[‡]

SUBPART Ka AND Kb – STORAGE VESSELS FOR PETROLEUM LIQUIDS

Uncontrolled slotted guideposts do not comply with the “no visible gap” requirements in 40 CFR Part 60, Subpart Ka or Kb.[†]

Michael Pjetraj to Kenneth Babb, “Subpart I Applicability to a Lime Storage Silo at a Hot Mix Asphalt Plant,” 28 Apr. 1998 (memorandum).

[†]Robert V. Zener to William I. Althen, “Blue Smoke Emissions,” 24 Sept. 1975 (memorandum).

[‡]John Evans to Laura Herbert, “RE: Asphalt - NSPS vs 2D .0506,” 20 Apr. 1999 (e-mail). Thom Allen to John Evans, “RE: Asphalt Plant Regs,” 26 Jan. 1999 (e-mail). John Evans to Thom Allen, “RE: Asphalt Plant Regs,” 26 Jan. 1999 (e-mail). Thom Allen to John Evans, “RE: Asphalt Plant Regs,” 26 Jan. 1999 (e-mail). John Evans to Thom Allen and Donald van der Vaart, “Asphalt Plant Regs,” 25 Jan. 1999 (e-mail).

[†]Betty Gatano to Compliance Workgroup, “Slotted Guideposts on NSPS Ka/Kb Subject Storage Vessels,” 9 Mar. 2000 (memorandum).

SUBPART EE – SURFACE COATING OF METAL FURNITURE

Industries Covered

Under 40 CFR Part 60, Subpart EE, the coating of metal furniture parts or products is industry specific and is based on Standard Industrial Classification (SIC). Metal furniture parts or products are coated in the following industrial categories:

Metal household furniture (SIC 2514)

- dining and breakfast furniture
- kitchen furniture
- porch, lawn, and outdoor furniture
- other metal household furniture
- metal household furniture, not specified by kind

Metal office furniture (SIC 2522)

- metal office seating
- desks
- cabinets and cases
- other metal office furniture including tables, standard, etc.
- metal office furniture, not specified by kind

Public building and related furniture (SIC 2531)

- school furniture, except stone and concrete
- public building and related furniture, except school furniture
- public school furniture, not specified by kind

Metal partitions and fixtures (SIC 2542)

- metal partitions
- metal shelving and lockers
- metal storage racks and accessories
- metal fixtures for stores, banks, offices, and miscellaneous fixtures
- metal partitions, shelving, lockers, fixtures, not specified by kind.

¹Dale Overcash to Regional Air Engineers and Air Permits Branch, "NSPS –Metal Furniture Finishing: Definition of Metal Furniture Part or Product," 26 Jan. 1994 (memorandum).

Coating Lines

Two finishing lines that operate independent of each other are considered two “surface coating operations.” However, two finishing lines that depend on each other are considered one “surface coating operation” for the purpose of 40 CFR Part 60, Subpart EE.

A “surface coating operation” is “the system on a metal furniture surface coating line used to apply and dry or cure an organic coating on the surface of the metal furniture part or product. The surface coating operation may be a prime coat or a top coat operation and includes the coating application station(s), flash-off area, and curing oven.”[~]

SUBPART GG – STATIONARY GAS TURBINES

ASTM Test Method D4629, “Standard Test Method for Trace Nitrogen in Liquid Petroleum Hydrocarbons by Syringe/Inlet Oxidative Combustion and Chemiluminescence Detection” is acceptable for determining nitrogen content in No. 2 fuel oil.[†]

SUBPART XX – BULK GASOLINE TERMINALS

[~]Dale Overcash to Beth Burton, 4 Sept. 1992 (memorandum on Subpart EE). Alan Klimek to Air Permitting Branch Staff and Air Quality Regional Supervisors, “Permitting Procedures; NSPS Subpart EE Applicable Regulation; 2D .0524,” 2 June 1993 (memorandum).

[†]Michael Y. Aldridge to Sally Nara, “Clarification of March 30, 2001 “Guidance for Analysis Procedure For Nitrogen in No. 2 Fuel Oil, Subpart GG,” 19 April 2001 (memorandum).

The installation of blending equipment at a gasoline terminal is a physical change to the loading rack that results in an increase in the emission rate of volatile organic compounds and results the applicability of 40 CFR Part 60, Subpart XX.[~]

SUBPART FFF – FLEXIBLE VINYL COATING AND URETHANE COATING AND PRINTING

40 CFR Part 60, Subpart FFF does not apply to coating and printing processes in which the gravure cylinder does not directly print or coat onto the web.

SUBPART OOO – NONMETALLIC MINERAL PROCESSING PLANTS

40 CFR Part 60, Subpart OOO applies to the following in fixed or portable nonmetallic mineral processing plants: crushers, grinding mills, screening operations, bucket elevators, belt conveyors, bagging operations, storage bins, and enclosed truck or railcar loading station. Any process listed in 40 CFR Part 60.670(a) is subject to Subpart OOO if crushing or grinding occurs anywhere at the plant regardless of its location. The crushing or grinding does not have to occur before the process to cause that process to be covered under Subpart OOO.[†]

[~]James Hagedorn to Sally Gampala, “Re Exxon Company Mogus Blending Issue at Chesapeake Terminal,” 26 May 1995 (letter). R. Douglas Neeley to Myron Whitley, “New Source Performance Standard Applicability to a Bulk Gasoline Terminal Operated by the Exxon Corporation in Greensboro, North Carolina,” 17 Dec. 1998 (letter).

[†]John B. Basnic to Addresses, “Applicability of NSPS OOO to Affected Facilities in the Nonmetallic Mineral Processing Industry,” 23 Oct. 1997 (memorandum).

Both a mass emissions test and an opacity test are required to demonstrate initial compliance with 40 CFR Part 60, Subpart OOO, Nonmetallic Mineral Processing Plants. For opacity tests, a consecutive six-minute average should be used.[†]

Transfer points from crushers and screens to belt conveyors and belt-to-belt transfer points require testing. Transfer points from a belt to a stockpile are not subject to 40 CFR Part 60, Subpart OOO.[‡]

40 CFR Part 60, Subpart OOO, applies to any system for crushing and subsequent handling of recycled asphalt product (RAP). However, if a crusher is not present, Subpart OOO does not apply.[†] It also applies to plants that crush or grind recycled concrete or brick.[§]

40 CFR Part 60, Subpart OOO, applies to portable cement treated base plants if they process nonmetallic minerals that are crushed or ground on the same plant site. However, a cement treated base plant that processes nonmetallic minerals crushed at the plant site on which the cement treated base plant is located is exempt from Subpart OOO if the main plant qualifies for one of the exemptions in 40 CFR 60.670(c) --

[†]John C. Evans to Regional Air Quality Supervisors, *et al.*, "Testing Compliance Requirements for NSPS Subpart 'OOO'," 25 March 1996 (memorandum). Roger O. Pfaff to N. Ogden Gerald, 15 Nov. 1988 (letter on compliance testing for NSPS Subpart OOO). John B. Basnic to Addresses, "Applicability of NSPS OOO to Affected Facilities in the Nonmetallic Mineral Processing Industry," 23 Oct. 1997 (memorandum).

[‡]John B. Basnic to Addresses, "Applicability of NSPS OOO to Affected Facilities in the Nonmetallic Mineral Processing Industry," 23 Oct. 1997 (memorandum).

[§]*Ibid.*

[¶]Laura S. Butler to Air Quality Regional Supervisors, *et al.*, "Permitting Procedures—NSPS Permitting for Hot Mix Asphalt Plants with Recycled Product Systems; Applicable Regulations: 2D .0524(a)(6) and (52), NSPS Subparts I and OOO," 8 Jan. 1996 (memorandum). Thomas R. Julien to Larry F. Kertcher, "NSPS Applicability to Crushing of Concrete," 15 Feb. 1995 (letter). Larry F. Kertcher to Terry A. Sweitzer, "NSPS Requirements for Concrete and Asphalt Paving," 1 Jan. 1989 (letter).

[§]John B. Basnic to Addresses, "Applicability of NSPS OOO to Affected Facilities in the Nonmetallic Mineral Processing Industry," 23 Oct. 1997 (memorandum).

[~]R. Douglas Neeley to Laura Butler, "Applicability of 40 CFR Part 60, Subpart OOO (Standards of Performance for Nonmetallic Mineral Processing Plants) to Portable

If a portable nonmetallic mineral processing plant that has its own crushers is located on the same site as another plant that also has its own crushers, the applicability of Subpart OOO to the two plants must be evaluated separately. If the portable plant that has a fines crusher qualifies for one of the exemptions in 40 CFR 60.670(c), it would not be subject to Subpart OOO, regardless of whether the equipment in the main plant is subject to Subpart OOO.[~]

40 CFR Part 60, Subpart OOO, does not apply glass crushers.[†]

Dewatering screens subject to 40 CFR Part 60, Subpart OOO may be granted performance waivers on a case-by-case basis.

Cyclones, log washers, classifiers, sand screws, cement silos, and chutes are *not* considered affected equipment under 40 CFR Part 60, Subpart OOO.[‡]

Feeders before the initial crusher are not affected by 40 CFR Part 60, Subpart OOO. Transfer points within a pug mill may be subject to 40 CFR Part 60, Subpart OOO.

Grizzlies that serve as screening operations for truck dumping are exempt from 40 CFR Part 60, Subpart OOO. Grizzlies that are not associated with truck dumping are subject to the rule.[‡]

Feed hoppers and hoppers under screens are typically used to collect and convey material to the next process. When these units are used in this fashion, they would not be considered storage bins. However, if these units are used temporarily to store material, they would be considered

Equipment,” 3 Dec. 1996 (letter).

[~]*Ibid.*

[†]Laura S. Butler to Air Quality Regional Supervisors, *et al.*, “Permitting Procedures—NSPS Permitting for Hot Mix Asphalt Plants with Recycled Product Systems; Applicable Regulations: 2D .0524(a)(6) and (52), NSPS Subparts I and OOO” 8 Jan. 1996 (memorandum). James T. Wilburn to N. Odgen Gerald, “Glass Recycling Operations,” 7 Jun 1995 (letter). James T. Wilburn to N. Odgen Gerald, 2 Dec 1987 (letter on glass recycling operations).

[‡]John B. Basic to Addresses, “Applicability of NSPS OOO to Affected Facilities in the Nonmetallic Mineral Processing Industry,” 23 Oct. 1997 (memorandum).

[‡]*Ibid.*

“storage bins” as defined in 40 CFR 60.671. Where applicable, Method 9 readings should be considered at both discharge and loading points.[~]

40 CFR Part 60, Subpart OOO, does not apply to any facility that has no crushing or grinding equipment present.[†] It does not apply to stand-alone screening operations at plants without crushers or grinders.[‡]

Affected equipment in portable cement treated base plants at nonmetallic mineral processing plants are subject to 40 CFR Part 60, Subpart OOO.[¶]

Front end loaders are not subject to 40 CFR Part 60, Subpart OOO.[§] Open truck and railcar loading are not subject to 40 CFR Part 60, Subpart OOO.⁻⁻

If an existing piece of equipment is simply relocated, it does not become subject to 40 CFR Part 60, Subpart OOO. However, if during the relocation the equipment undergoes a physical or operational change that results in an emissions increase, it would be modified and become subject to the rule. If an existing portable plant undergoes a “modification” as defined in 40 CFR 60.2, it would become an affected facility.^{††}

Changing from a wet screen to a dry screen, or a dry screen to a wet screen, is a physical or operational change. If the change results in an

[~]*Ibid.*

[†]Laura Butler to Regional Air Quality Supervisors, *et al.*, “NSPS Subpart ‘OOO’ Applicability for Facilities Without Crushers” 16 Aug. 1994, (memorandum).

[‡]John B. Basnic to Addresses, “Applicability of NSPS OOO to Affected Facilities in the Nonmetallic Mineral Processing Industry,” 23 Oct. 1997 (memorandum).

[¶]Kevin Godwin to Air Quality Regional Engineers and Air Permits Branch Staff, “Applicability of NSPS, Subpart OOO to Cement Treated Base Plants Located at Nonmetallic Mineral Processing Plants,” 3 Aug. 1994 (memorandum).

[§]*Ibid.*

⁻⁻John B. Basnic to Addresses, “Applicability of NSPS OOO to Affected Facilities in the Nonmetallic Mineral Processing Industry,” 23 Oct. 1997 (memorandum).

^{††}*Ibid.*

increase in emissions, it is considered a “modification” as defined in 40 CFR 60.2.[~]

For the purposes of 40 CFR Part 60, Subpart OOO, the manufacture date is synonymous with the construction date.[†]

SUBPART VVV – POLYMERIC COATING OF SUPPORTING SUBSTRATES FACILITIES

In cases where a portion of the volatile organic compounds (VOC) delivered to the process reacts and becomes part of the product, the “VOC use” calculated for determining applicability of control requirement can be based on the amount of VOC emitted from the process, i.e. the unreacted portion. Compliance with the control requirement (90% reduction when applicable) in this case, however, must be calculated based on the amount of VOC emitted from the process, i.e., excluding the reacted portion of VOC delivered to the process. If the owner or operator elects to discount the portion of VOC reacted in the process from the applicability calculation, a request to use an alternative method according to 40 CFR 60.8 must be submitted to EPA, Region IV. AP-42 emission factors would not be considered an acceptable method.[‡]

Pultrusion Facilities

Pultrusion facilities are not affected facilities under 40 CFR Part 60, Subpart VVV.[†]

[~]*Ibid.*

[†]Roger O. Pfaff to N. Ogden Gerald, 3 Mar. 1989 (letter on applicability of 40 CFR Part 60, Subpart OOO).

[‡]Peter B. Lloyd to Regional Supervisors, *et al.*, “Treatment of Reacted VOC Coatings Under NSPS Subpart VVV,” 11 Sept. 1997 (memorandum). R. Douglass Neeley to Alan Klimek, “New Source Performance Standards (NSPS), Subpart VVV,” 25 Aug. 1997 (letter).

[¶]Winston A. Smith to Region 4 State and Local Agency Directors, 9 “Applicability of 40 C.F.R. Part 60, Subpart VVV to Pultrusion Facilities,” Apr. 2001 (letter). Michael S.

**SUBPART WWW – MUNICIPAL SOLID
WASTE LANDFILLS**

See Appendix 35.

Alushin to Regional Directors, "NSPS Subpart VVV Applicability to Pultrusion Facilities,"
20 Mar. 2001 (memorandum).