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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

8 APR 1977

Mr. Harry C. Phelan, Jr.
Executive Director
California Asphalt Pavement Association
Suite 107, 12722 Riverside Drive
North Hollywood, California 91607

Dear Mr. Phelan:

This is in response to your March 9 letter to Mr. Quarles concerning the question of whether the requirements for preconstruction review of new or modified air pollution sources as outlined in the December 21, 1976, "Interpretative Ruling" apply to the relocation of an existing asphalt concrete plant when such relocation does not result in any increase in emissions.

As you know, the ruling provides that while all sources subject to preconstruction review requirements should be reviewed for applicable emission regulation compliance, only "major" new or modified sources must be subject to the air quality analysis and the specific conditions of the Emission Offset Policy. These conditions are designed to ensure that the major new source's emissions will be controlled to the greatest degree possible, that more than equivalent offsetting emission reductions will be obtained from existing sources, and that there will be progress toward attainment of the NAAQS. For the present, the ruling defines a "major" source as having an allowable emission rate (i.e., rate after the application of the appropriate emission regulation) of 100 or more tons per year (1000 for carbon monoxide). However, the Agency has proposed for review and comment a definition of 50 or more tons per year (500 for carbon monoxide) that may be incorporated into the existing State Implementation Plans requirements.

With regard to asphalt concrete plants, our preliminary calculations indicate that for a typical average controlled listing plant with an operating capacity of 150 tons per hour, the associated allowable stack emissions would be 45 tons per year, and thus would not be considered a "major" source. However, a large plant with a capacity of 350 tons per hour, assuming the application of average control regulations, would have associated allowable stack emissions of 105 tons per year and thus would be considered a "major" source. For the most part, it appears that most asphalt concrete plants with the application of better than average control would not be considered a "major" source at this time. However, if the current definition is lowered to 50 tons per year, some large plants could be covered.

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Currently, the "Interpretative Ruling" does not exempt relocation of a "major" existing source within a different non-attainment air quality control region, as this source would cause an increase in emissions for the air quality control region in which it is proposing to locate. Theoretically, if the source relocates within the same non-attainment area, it could use the emissions available from the closing of the existing facility to offset the relocation but may be required to apply more stringent control requirements. This, part of the "Interpretative Ruling" is currently under evaluation as to whether a relocation of an existing facility using the same equipment should be completely exempted from the

requirement of the Emission Offset Policy if no increase in emissions is associated with this source. There have been some strong recommendations to specifically exempt relocations. To date, no final decision has been made as we are in the process of reviewing the comments received on the Ruling.

In conclusion, at the present time most asphalt concrete plants would not qualify as a major source and thus would not be required to meet the conditions of the Emission Offset Policy. However, there may be some large facilities which would be required to meet the conditions of the offset policy as they currently exist.

We will consider further the possibility of exempting relocated existing sources using the same equipment, with no increase in emissions from the Emission Offset Policy.

Sincerely yours,

Walter C. Barber
Director
Office of Air Quality Planning
and Standards

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March 9, 1977

Mr. John Quarles, Acting Administrator
Environmental Protection Agency
Fourth and M Streets, S.W.
Washington, D. C. 20460

Re. 40 CFR 51.18

Dear Mr. Quarles:

The California Asphalt Pavement Association represents owners and operators of asphalt concrete plants within the state of California.

Periodically, existing asphalt concrete plants are relocated in the same air basin or another air basin for several reasons, namely:

1. Due to the depletion of aggregate raw materials at the existing location.
2. To more economically service a new developing area.
3. To more economically provide asphalt concrete to specific governmental highway projects.
4. For other business or economic reasons.

The relocation of today's well controlled asphalt concrete plants does not result in any increase in existing emissions. In addition, these asphalt concrete plants cannot be construed as "major" sources, even under the criteria as proposed on December 21, 1976, in the Federal Register at 41 FR 55559.

A review of 40 CFR Part 51 and the proposed amendments contained in the Federal Register at 41 FR 55558 thru 55560 does not indicate whether that part of a State Implementation Plan covering the review of New Sources and modifications should include the relocation of an existing facility (asphalt concrete plant) which does not result in any increase in emissions.

Mr. John Quarles

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March 9, 1977

I believe that this is due to the fact that 40 CFR 51 does not include a definition for either an "existing" source or a "new" source. Secondly, there is no provision to indicate whether the relocation of an existing facility is or is not considered a modification when it does not result in any increase in emissions.

In view of the foregoing statements, a response to the following question is respectfully requested:

1. Do the requirements for preconstruction review of new or modified air pollution sources (40 CFR 51.18) apply to the relocation of an existing asphalt concrete plant when such relocation does not result in any increase in emissions?

Your early reply to our question will be greatly appreciated.

Respectfully submitted

Harry C. Phelan, Jr.
Executive Director

HCP/dh