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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

September 30, 1977

OFFICE OF ENFORCEMENT

MEMORANDUM

SUBJECT: Determination of Emission Points Subject to
LAER

FROM: Director
Division of Stationary Source Enforcement

TO: G.T. Helms, Jr., P.E. Deputy Director
Air and Hazardous Materials Division

This is in response to your request dated August 16, 1977 concerning the Interpretative Ruling (IR). In your memo you request some clarification of the term "major source", and specifically how broadly it should be applied.

The purpose of the IR is to provide for growth in areas not presently attaining NAAQS. This growth is only to be allowed after specific and very stringent requirements are met. One of these conditions requires any major new source or modification to apply an emission limitation which specifies the lowest achievable emission rate. This condition is designed to insure that the new (or modified) source's emissions will be controlled to the greatest degree possible.

We have been in contact with the Control Program Development Division and based on our discussion with them and the language in the IR, it is our opinion that the term major source applies only to that portion of the stationary source which is undergoing some new construction or modification and which will emit greater than 100 tons per year. To use your coke battery example, only the coke battery will be subject to the requirements of LAER since there will be no change in emissions which can be associated with the other facilities. If, however this new facility results in an increase in production, which increases the throughput of these other facilities and also results in an increase in allowable emissions, these increased emissions would be considered as secondary emissions. These secondary emissions could then be subject to conditions 3 and 4 of the IR. These facilities would not be subject to the LAER requirements, if the increased throughput would be accomplished without a physical change or if the change in production rate does not exceed the operating design capacity of the facility. To summarize, unless there is an increase in emissions which can be attributed directly to the contribution of a new source or modification, such source will not be subject to the LAER requirements of the I.R.

If you have any additional questions or comments on this, please contact Rich Biondi (755-2564) of my staff.

Edward E. Reich

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: August 16, 1977

SUBJECT: Determination of Emission Points Subject to LAER

FROM: G. T. Helms, Jr., P.E., Deputy Director
Air & Hazardous Materials Division

TO: Edward E. Reich, Director
Division of Stationary Source Enforcement

Richard G. Rhoads, Director
Control Programs Development Division

SUMMARY

In review of new and modified sources subject to the provisions of the December 21, 1976 "Offset Policy", the question has arisen with regard to which emission points should be subject to LAER requirements. This question, which, is particularly significant in the review of by-product coke oven battery replacements in non-attainment areas, relates directly to how broad is the definition of "major source". Does it include in addition to the principle facility being modified and/or replaced, the integral portions of the process or supportive facilities which will not be substantially altered nor provide and increases in emissions?

In the case of coke battery replacements, are the existing coal handling facilities, the by-products plant, the quench tower, etc., all subject to LAER in addition to the new (replacement) coke battery?

Region IV has indicated to some companies that technology capable of achieving LAER should be installed on some of the auxiliary equipment which has not been physically altered. A timely response to this request is needed since it now may be necessary to inform those companies that the installation of the negotiated control equipment may no longer be required.

ACTION

In order for this office to proceed with several new source review activities, an Agency guidance is necessary. The requirements applicable to emission points associated with a coke oven Battery replacement is our immediate concern. In addition, general guidance in this area is warranted. The State of Alabama is currently processing a coke oven offset and it is important for EPA to provide them with a timely answer.

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BACKGROUND

Region IV has been involved with several new source reviews for the construction, of by-product coke batteries. These reviews have included new "greenfield" batteries as well as batteries which are being reconstructed. All of the reviews have been subject either in part, or in total, to EPA's December 21, 1976 Air Quality Standards; Interpretative Ruling. Control technology has been closely coordinated with DSSE's technical staff, and to this point the reviews have been consistent as to the emission points which have been considered subject to the applicable provisions of the Interpretative Ruling. Specifically, the coking process has been interpreted as covering all operations from raw material preparation and storage through and including product (coke) crushing and screening. This would include operations such as coal storage, coal preparations, charging, coking, pushing, quenching, by-products plant, and coke preparations.

On February 2, 1977, the Koppers Company, Inc., submitted to the Jefferson County, Alabama, Board of Health an application to construct two new double main coke batteries to replace the existing 1 and 2A batteries located at their Woodward, Alabama, facility. After a public hearing on May 9, 1977, the application was approved and the permit was issued on June 8, 1977. Subsequent review of the permit by Region IV resulted in a number of areas of concern, one of which was that the only emission points analyzed by the County for the technology requirements of the Interpretative Ruling (Section

IV(A)(1)) were those points associated with the battery itself (i.e., charging topside, doors pushing, and underfiring stack).

Region IV forwarded our final comments to the State of Alabama and Jefferson County on July 29, 1977. The State's reaction was that only emission points associated with an operation which had been physically altered needed to be analyzed under (IV)(A)(1) of the Interpretative Ruling. Therefore, since the existing coal preparation plant, quench tower, by-products plant, etc., had not been physically altered, they felt that it would not be necessary to analyze those emission points nor consider them subject to the LAER requirements.

As a result of the State of Alabama's position, Mr. Bruce Miller of my staff called Mr. Bernard Bloom of DSSE on August 10, 1977 to determine if Region IV's position concerning these reviews was the proper approach to be taken. Mr. Bloom informed the Region that the review of coking operations should start with raw material receiving and proceed through product screening.