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ENVIRONMENTAL PROTECTION AGENCY

MEMORANDUM:

DATE: December 11, 1978

SUBJECT: PSD Applicability - Temporary Emissions

FROM: Director
Division of Stationary Source Enforcement

TO: Anita B. Turpin, Chief
Technical Support Section (6AAHAT)
Region VI

This is in response to your October 25, 1978, memo to Rich Biondi which raises two questions regarding treatment of construction related emissions under the PSD regulations.

In response to your first question, construction related emissions should not be considered in determining whether a source is subject to PSD review or in determining whether a source is required to undergo second-tier review. Potential as well as allowable emissions estimates for a source should be calculated without taking into account any emissions which result from construction of the source. For example, to determine whether a proposed new chemical process plant is a major stationary source or major modification, the emissions which will result only from operation of the source and not the emissions which will result from construction of the source should be considered. Then, if the source is determined to be a major stationary source or major modification and therefore subject to PSD, any emissions resulting from construction of the source should be subject to the PSD regulations as temporary emissions. Following this line of reasoning, the construction of a building or other structure which is not a major stationary source or major modification should not come under PSD review regardless of the magnitude of the expected emissions from the construction project. Therefore, the Center City urban revitalization project used as an example in your memo would not come under the PSD regulations if the project does not involve construction of a major stationary source or major modification.

In response to your second question, BACT should be applied to the emissions associated with the construction of a major stationary source or major modification, and should be included as a condition of the PSD permit. Equipment or work practice standards may be specified for BACT if an emission standard is not feasible. See 43 FR 26397, Column 3.

As you noted in your October 25, 1978, memo, Section 52.21(k) (1) (iii) exempts temporary emissions from the requirement of paragraphs 1, n, & p.

If you have any further questions on this issue, please contact Libby Scopino (FTS 755-2564) of my staff.

Edward E. Reich

cc: Mike Trutna, CPDD
Dave Dunbar, CPDD
Peter Wyckoff, OGC

