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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

MEMORANDUM:

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DATE: June 9, 1980

SUBJECT: PSD Applicability: Asphalt Concrete Plants

FROM: Director  
Division of Stationary Source Enforcement

TO: F. W. Giaccone, Chief  
Air Facilities Branch, Region II

This is in response to your memo of May 8, 1980, regarding the inclusion of fugitive emissions in PSD applicability determinations under the 1978 regulations as stayed. Specifically, you asked if fugitive emissions are to be included, for purposes of the stay, in cases where the NSPS and NESHAPs regulations for a particular source category do not regulate fugitive emissions.

The September 5, 1979 proposed PSD regulations provide for the accounting of fugitive emissions in determining a source's potential to emit if the source is regulated under section 111 or 112 of the Clean Air Act or is among the source categories listed in the definition of "major stationary source". Fugitive emissions are to be counted, for all these sources, regardless of whether the appropriate NSPS or NESHAP specifically regulates fugitive emissions.

The discussion in the preamble of the September 5 proposal concerning fugitive emissions states that:

"EPA believes that there is no reason why a source of a particular pollutant regulated under the Act should escape review because the emissions of the pollutant are fugitive, when a source of the same pollutant has to get a permit if the emissions are not fugitive. In both cases the emissions would deteriorate air quality regardless of how they emanate. Thus, it serves the purposes of NSR to scrutinize the one as well as the other."

Under the proposed PSD regulations source is defined as any "structure, building, facility, or installation which emits or may emit any air pollutant regulated under the Act". Note that this definition has a much broader scope than the definition of affected facility under NSPS and is intended to encompass all the pollutant emitting facilities located at one site and under common control.

Since the source mentioned in your memo is an asphalt plant, subject to NSPS under 40 CFR 60.90, fugitive emissions, from all activities at the site, should be included in determining PSD applicability under the 1978 regulations as stayed. This would include fugitive emissions from cold aggregate storage piles.

If you have any further questions regarding this determination, please contact Janet Littlejohn of my staff at 755-2564.

Edward E. Reich

cc: Peter Wyckoff (OGC)

Jim Weigold (OAQPS)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region II Office

DATE: May 8, 1980

SUBJECT: Interpretation of Proposed PSD Regulations

FROM: F. W. Giaccone, Chief  
Air Facilities Branch

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

The proposed PSD regulations provide that fugitive emissions should not be included in an applicability determination except in the case of 26 specific industrial categories, and any other stationary "source category...regulated under Section 111 or Section 112 of the Act."

My question is: In the case of an asphalt plant subject to NSPS Subpart I, can fugitive emissions from aggregate stockpiles be included in an applicability determination even though Subpart I does not regulate these emissions, i.e. can fugitive emissions be included in cases where the NSPS or NESHAPS regulations for a particular source category does not regulate such emissions. It should be noted that cold aggregate storage piles are not included in the designation of affected Facility at Section 60.90(a), although common practice generally dictates the stockpiling of cold aggregate at the plant site, and that stockpiles are not considered part of an affected facility in the proposed NSPS For the non-metallic mining industry.

This branch is in the process of reviewing a potential PSD candidate asphalt plant, and an expedited response would be greatly appreciated.

cc: R. Ogg  
K. Eng  
P. Kahn  
R. Stein