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Sent: Tuesday, November 06, 2007 3:39 PM  
To: Hanks, Katie P.  
cc: markellis@ima-na.org; jerryhurley@ima-na.org; 'Brenda George'  
Subject: Data for the Industrial Minerals Association - North America

Attachments: IMA-NA\_Database Complete.xls; Comments on EPA NSPS  
Subpart OOO and UUU.doc

Katie,

Please find attached the data and comments for subparts OOO and UUU from the Industrial Minerals Association – North America.

Also, are you available on Thursday for a brief call to confirm that you have received all of the information you need from us, and so that we can get a quick update on where we are in this process?

Thank you very much again for all of your help through this process.

Best Regards,

Chris Greissing







## **Proposed Changes to NSPS Subpart A Subpart OOO and Subpart UUU**

The Industrial Minerals Association-North America would like to take this opportunity to provide suggested changes to the New Source Performance Standards Subpart A, Subpart OOO and Subpart UUU.

### **Subpart A**

#### **§60.2- Definitions**

We would like to see the definition for Capital Expenditures clarified. A capital expenditure is an expenditure for a physical or operational change to an existing facility which exceeds the product of the applicable “annual asset guideline repair allowance percentage” specified in the latest edition of Internal Revenue Service (IRS) Publication 534 and the existing facility's basis, as defined by section 1012 of the Internal Revenue Code. However, the total expenditure for a physical or operational change to an existing facility must not be reduced by any "excluded additions" as defined in IRS Publication 534, as would be done for tax purposes.

#### **§60.7 (a) (6) and 60.8 (d) Notification of Anticipated Date for Conducting Initial Performance Test**

A 30 day advance notice should be reduced to a 7 day notice. Many state agencies no longer send staff to witness initial performance testing, therefore a 30 day advance notice is no longer appropriate or necessary.

#### **§60.8 (a) Performance Testing**

The 60 and 180 calendar day thresholds for conducting initial performance tests should be modified to allow for periods when a plant may be shut down for the winter or due to lack of inventory. We suggest this be changed to 60 and 180 **production** days.

### **Subpart OOO**

#### **§60.670- Applicability and Designation of Affected Facilities**

**Storage Bins-** Open top storage bins, as well as those not controlled by a collection device, should be removed from the list of affected facilities, because they are static structures that do not break, move, or agitate the material, and they produce minimal emissions.

**Facilities Exempted by Plant Type/Capacity-** The rates should be increased for the aggregate industry sector of Subpart OOO to a production level that is consistent with today's current lowest production rates of aggregate processing plants. The current threshold capacities (25 tons per hour for fixed plants and 150 tons per hour for portable plants) are too low for aggregate processing.

**Add (a)(3)-** The provisions in this subpart do not apply to any affected facility as defined in paragraph (a)(1) of this section that processes wet material as defined in §60.671

**(f)- comments for Table 1**

**60.7 Notification and Record Keeping-** new comments should read- Except in (a)(1),(2), and (3), notification date of construction, anticipated date of initial start up, and date of actual start up are not required

**60.11 Compliance with standards and maintenance requirements-** new comments should read- Except in (b), under certain conditions (§§60,675(c)(3) and (c)(4)) Method 9 observations may be reduced from 1 hour to 30 minutes. Some affected facilities exempted from Method 9 tests (§60.675 (h))

### **§60.671 Definitions**

**Opacity Test-** Clarify where the opacity test must be completed for a performance test on a belt conveyor. By the current definition, the opacity must be measured where material is transferred to or from a belt conveyor. The opacity test should be completed on the discharge point of the belt conveyor.

**Crushing-** Means to reduce the particle size of the non-metallic mineral material by means of physical impaction of the crusher upon the material

**Grinding Mill-** Means a machine used for dry fine crushing of any nonmetallic mineral. Grinding mills include, but are not limited to, the following types: hammer, roller, rod, pebble and ball, and fluid energy. The grinding mill includes the air conveying system, air separator, or air classifier, where such systems are used.

**Wet Material-** Means any nonmetallic mineral material that has an average free moisture content of no less than 12 percent.

**Transfer point** means a point in a conveying operation where the nonmetallic mineral is transferred from a belt conveyor except where the nonmetallic mineral is being transferred to a stockpile.

**Truck Dumping** – The definition of truck dumping should be expanded to exclude all mechanical dumping utilizing mobile or stationary loading equipment to charge various plant feed points.

**Grizzly Screens** – Truck dumping into any screening operation is exempt from the rule. Grizzly screens associated with truck dumping (or other mechanical dumping or static separation techniques) should also not be subject to the rule. Grizzly feeders/“screens” do not have a mesh surface as per the screening definition in 60.671.

**Rated Capacity-** Subpart 000 of the New Source Performance Standards does not define rated capacity; however, under 40 CFR 60.671, “initial crusher” is defined as “any crusher into which non-metallic minerals can be fed without prior crushing.

A good definition might be: Tons per hour of new feed to the initial crusher or grinder or, the production in tons per hour a crusher or grinder produces on-specification material. In situations where the crusher or grinder has a recirculation load, the load which is being recirculated has already been crushed; hence, it would not be counted as part of the rated capacity.

Since the primary purpose of a crushing and grinding circuit is to crush and grind off-specification material to produce an on-specification material, the rated capacity of crushers or grinders is determined by the ability of a crusher or grinder to produce on-specification crushed or ground material. In situations where the crusher or grinder has a recirculation load, the load which is being recirculated has already been crushed; hence, it would not be counted as part of the rated capacity. On a simple recirculating crushing or grinding circuit, only the new feed or the on-specification product produced can be considered the rated capacity of the circuit.

Since there appears to be no set standard or industry definition or regulatory definition for the rated capacity of initial crushers, the above definition has been derived to be consistent with the intent of the EPA's definition of an initial crusher:

### **§ 60.672 Standard for Particulate Matter**

**(a)(2)- Clarify that opacity Testing is not required for facilities using a wet scrubber. Shown below is proposed language:**

Exhibit greater than 7 percent opacity, unless the stack emissions are discharged from an affected facility using a wet scrubbing control device. Facilities using a wet scrubber must comply with the reporting provisions of §60.676 (c), (d), (e), and an initial opacity test is not required.

**(b), (c), (f), and (h) Change the requirement of the time required meet compliance with opacity standard of 60.672 (b), (c), (f), and (h). Since most companies are continually trying to increase production (maximum production), the regulation should be changed to just state that the opacity limit must be met no later than 180 days after initial startup. Shown below is proposed language.**

**(b)** After achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.11 of this part, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any fugitive emissions which exhibit greater than 10 percent opacity, except as provided in paragraphs (c), (d), and (e) of this section.

**(c)** After achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.11 of this part, no owner or operator shall cause to be discharged into the atmosphere from any crusher, at which a capture system is not used, fugitive emissions which exhibit greater than 15 percent opacity.

**(f)** After achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.11 of this part, no owner or operator shall cause to be discharged into the atmosphere from any baghouse that controls emissions from only an individual, enclosed storage bin, stack emissions which exhibit greater than 7 percent opacity.

**(h)** After achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup, no owner or operator shall cause to be discharged into the atmosphere any visible emissions from:

**(e)The opacity limit should be the same as the equipment in the building. Vent fans are difficult to conduct a Method 5 stack test on due to numerous reasons (isokinetic flow, low flow, no stack, position, etc). Shown below is proposed language.**

(e) If any transfer point on a conveyor belt or any other affected facility is enclosed in a building, then each enclosed affected facility must comply with the emission limits in paragraphs (a), (b) and (c) of this section, or the building enclosing the affected facility or facilities or vents must not exhibit greater than 10 percent opacity.

#### **§ 60.674 Monitoring of Operations**

**(a), (b) Manufacturers may produce a device that does not require annual calibration or no calibration at all. Shown below is proposed language.**

The owner or operator of any affected facility subject to the provisions of this subpart which uses a wet scrubber to control emissions shall install, calibrate, maintain and operate the following monitoring devices:

##### 60.674(a)

(a) A device for the continuous measurement of the pressure loss of the gas stream through the scrubber. The monitoring device must be certified by the manufacturer to be accurate within  $\pm 250$  pascals  $\pm 1$  inch water gauge pressure and must be calibrated by accepted engineering practices or in accordance with manufacturer's instructions or frequency.

##### 60.674(b)

(b) A device for the continuous measurement of the scrubbing liquid flow rate to the wet scrubber. The monitoring device must be certified by the manufacturer to be accurate within  $\pm 5$  percent of design scrubbing liquid flow rate and must be calibrated by accepted engineering practices or in accordance with manufacturer's instructions or frequency.

#### **§ 60.675 Test Methods and Procedures**

##### **(c)(3) & (4) Duration of Method 9 Opacity Observations for Fugitive Emissions**

There should be a reduction in testing duration from 1 hour to 30 minutes if certain conditions are met similar to what is in the existing regulation. For sources with a 10% opacity limit, the 30-minute test would be allowed as long as there are not more than 3 readings of 10% within that 30-minute period; and there are no individual readings greater than 10% opacity. For sources with a 15% opacity limit, the 30-minute test would be allowed as long as there are not more than 3 readings of 15% within that 30-minute period; and there are no individual readings greater than 15% opacity.

For items that fail to meet the 30-minute cutoff conditions, Method 9 testing should be reduced from 3 hours to 60 minutes.



**(d) New Language-** In determining the compliance with §60.672 (e), the owner or operator shall use Method 22 to determine fugitive emissions. The performance test shall be conducted while all affected facilities inside the building are operating. The performance test for each building shall be at least 50 minutes in duration, with each side of the building and the roof being observed for at least 10 minutes.

**(h)(1) & (2) Initial Method 9 Performance Test Exemptions**

Uncontrolled process equipment at the same production facility is exempt from initial Method 9 testing if an opacity test, showing zero opacity, exists for another piece of like equipment handling the same material at an equivalent or less throughput rate.

**Add paragraph (i)-** Initial Method 5 performance tests under §60.11 of this part and §60.675 of this subpart are not required for: 1) any affected facility that is operated on an intermittent basis and cannot effectively be operated for a period of greater than one-hour, including affected facilities such as, but not limited to, loadouts, silos, and storage bins; and 2) any new affected facility for which an equivalent affected facility has already been tested given that the equivalent affected facility has the same capacity, has an initial startup date within 12 months of the initial startup date of the new affected facility, and is processing the same material as the new affected facility.

**§ 60.676 Reporting and recordkeeping.**

**(d) Upper limits on scrubber pressure loss and liquid flow rates should be removed. Increased liquid flow rates and pressure differential will increase the efficiency of the particulate removal. Shown below is proposed language.**

(d) After the initial performance test of a wet scrubber, the owner or operator shall submit semiannual reports to the Administrator of occurrences when the measurements of the scrubber pressure loss and liquid flow rate differ by more than -30 percent from the average determined during the most recent performance test.

**(h) Notification Requirements for Anticipated and Actual Dates of Startup for Affected Facilities**

The Subpart A requirement under Section 60.7(a)(2) for notification of the date construction commenced should be deleted.

**(i )Required Notifications**

Required notifications do not need to go to the EPA Administrator if authority has been delegated to the state or local authority.

**Subpart UUU**

**§60.734 Monitoring of Emissions and Operations**

**Add in (a) –** with the exception of the process units described in paragraphs (b), (c), (d), and (e)...

**Add Paragraph (e)**- In lieu of a continuous opacity monitoring system, the owner or operator of an affected facility may install, calibrate, maintain, and continuously operate a bag leak detection system as specified below:

(i): The bag leak detection system must be certified by the manufacturer to be capable of detecting PM emissions at concentrations of 10 milligrams per actual cubic meter (0.0044 grains per actual cubic foot) or less.

ii): The bag leak detection system sensor must produce output of relative PM emissions

iii): The bag leak detection system must be equipped with an alarm system that will sound automatically when an increase in relative PM emissions over a preset level is detected and the alarm must be located such that it can be seen or heard by the appropriate plant personnel.

iv): A triboelectric bag leak detection system or equivalent technology shall be installed, operated, adjusted, and maintained in a manner consistent with the U.S. Environmental Protection Agency guidance, "Fabric Filter Bag Leak Detection Guide" (EPA 454/R-98-015, September 1997).

v): Initial adjustment of the system shall, at a minimum, consist of establishing the baseline output by adjusting the range and the averaging period of the device and establishing the alarm set points and the alarm delay time.

vi): Following the initial adjustment, the owner or operator shall not adjust the range, averaging period, alarm setpoints, or alarm delay time unless a compliance test is performed to demonstrate compliance with the PM emissions standard after the adjustments are made.

### **§60.735 Recordkeeping and Reporting Requirements**

#### **Add paragraph (e)**

The subpart A requirements under §60.7 (a)(1)-(a)(3) for notification of the date of construction (or reconstruction as defined under §60.15) of an affected facility and notification of the anticipated date of initial startup of an affected facility shall be waived for owners or operators of affected facilities regulated under this subpart

### **§60.737 Delegation of Authority**

- (a) In delegating implementation and enforcement authority to a state under section 111(c) of the Act, the authorities contained in paragraph (b) of this section shall be retained by the Administrator and not transferred to a State. Where a state has been delegated implementation and enforcement authority per Section 111 (c) of the Act, the term Administrator shall be given the meaning of permitting authority per Subpart A of this Part.