

ENVIRONMENTAL ALERT

FINAL AMENDMENTS TO NEW SOURCE PERFORMANCE STANDARDS SUBPART 000

On April 28, 2009, the United States Environmental Protection Agency (U.S. EPA) published final amendments to the New Source Performance Standards for Nonmetallic Mineral Processing Plants (Subpart 000). The final amendments impose new requirements for affected new or reconstructed facilities or equipment that is installed after April 22, 2008. For Subpart 000, the affected facilities include each new or reconstructed crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, and enclosed truck or railcar loading station at new or existing nonmetallic mineral processing plants.

NSPS Subpart 000 applies to certain equipment at facilities that crush and/or grind nonmetallic minerals; the standard does not apply to facilities that only process nonmetallic minerals without any crushing or grinding. Nonmetallic minerals covered by the standard include: crushed and broken stone, including limestone, dolomite, granite, traprock, sandstone, quartz, quartzite, marl, marble, slate, shale, oil shale, and shell; sand and gravel; clay including kaolin, fireclay, bentonite, fuller's earth, ball clay, and common clay; rock salt; gypsum; sodium compounds, including sodium carbonate, sodium chloride, and sodium sulfate; pumice; gilsonite; talc and pyrophyllite; boron, including borax, kernite and colemanite; barite; fluorspar; feldspar; diatomite; perlite; vermiculite; mica; and kyanite, including andalusite, sillimanite, topaz, and dumortierite.

The final amendments affect a number of aspects of the rule. Additionally, US EPA modified some of the final amendments from their original April 2008 proposal. Any changes from the proposed rules are noted below. All of the final amendments are applicable to all units for which construction, modification or reconstruction commenced on or after April 22, 2008.

The final amendments include numerous changes, foremost among them the following amendments:

- Reduce Particulate Matter (PM) emission limits for facilities with capture systems from 0.05 to 0.032 grains/dry standard cubic meter. The final PM limit is slightly higher than the proposed limit.
- Eliminate the stack opacity limit for dry control devices. However, baghouses that control emissions from only an individual enclosed storage bin must meet a final stack opacity limit of 7%, but are exempted from the PM limit.
- Impose monitoring of baghouses using quarterly Method 22 inspections, a bag leak detection system or through compliance with the continuous compliance requirements for processed stone handling operations in the Lime Manufacturing NESHAP. The third option for baghouse monitoring of complying with the Lime Manufacturing NESHAP was added as a result of public comments.

ENVIRONMENTAL ALERT

- Reduce fugitive visible emission limits for crushers from 15% to 12% and from 10% to 7% for grinding mills, screening operations, bucket elevators, belt conveyors, bagging operations, storage bins, and enclosed truck or railcar loading stations.
- Impose a fugitive emissions limit of 7% at building openings, except for powered vent openings. Vents are subject to a building PM limit of 0.014 grains/dry standard cubic meter for facilities commencing construction, modification or reconstruction on or after April 22, 2008. Facilities built, modified or reconstructed before April 22, 2008 are subject to a building PM vent limit of 0.022 grains/dry standard cubic meter and an opacity limit of 7 %.
- Impose the obligation to repeat performance testing of certain units every five years, for units that do not have ongoing monitoring requirements. The amendments also change some of the testing procedures relating to the duration of Method 9 testing of fugitive emissions and storage bins and loading stations that operate less than one hour at a time.
- Fugitive emissions controlled by water sprays would not be subject to repeat performance testing, but would get a monthly inspection requirement for the water sprays. The final amendments also impose a corrective action requirement if during the inspection water is found to not be flowing properly.
- Modify the time frame for performance testing, after initial startup, to allow for seasonal shutdown of process equipment.
- Exempt wet material processing operations that have no potential for PM emissions. These units are already exempt from testing requirements, but were subject to a notification requirement and a no visible emissions limit. The final amendments relieve these units from these requirements. The final amendments also add definitions to help clarify which equipment is subject to this exemption.
- Reduce the notification requirements to eliminate notification requirements for commencement of construction and to require notice to be submitted either to the relevant State or US EPA, but not both.
- Imposed recordkeeping requirements for the required monthly inspections performed on water sprays and the quarterly baghouse Method 22 readings.

The final Subpart OOO amendments became effective on April 28, 2009. Companies affected by Subpart OOO should carefully review these amendments.

The Environmental Alert is intended to keep readers current on matters affecting environmental issues and is not intended to be legal advice. For information or assistance regarding any of the information noted above, please contact Scott R. Dismukes at 412.566.1998 or sdismukes@eckertseamans.com, David A. Rockman at 412.566.1999 or drockman@eckertseamans.com, Jessica L. Sharrow at 412.566.5941 or jsharrow@eckertseamans.com or any other attorney with whom you have been working.