Message

From: Christenson, Kara [Christenson.Kara@epa.gov]
Sent: 5/3/2018 12:33:52 AM
To: Dykes, Teresa [Dykes.Teresa@epa.gov]; Johnson, Terry [Johnson.Terry@epa.gov]
Subject: RE: Request for Information: MM2A memorandum
Attachments: silgan-nt5-permit-final-06082015 with KC highlights.pdf

Hi Terry(s) – I'm glad you have sparked this conversation.

Terry D – thank you for providing the MRR in the NC permit so I didn't have to dig through it!
Terry J – I'm not sure if you are going to comment on the NC permit, but the limits do not seem practically enforceable because the monitoring reporting and recordkeeping requirements are vague and unclear. R10 writes good synthetic minor permits for facilities on tribal land. I'm attaching an example of a R10 permit that includes VOC-containing coatings – I would think the permit conditions would be similar to regulate HAP-containing coatings. As the R10 permit indicates, an enforceable synthetic minor permit for this type of facility includes: (i) recordkeeping for all VOC (or HAP) containing products purchased and used (purchase records can be used to verify usage records) and the VOC (HAP) content of each; (ii) conditions to measure and record usage; (iii) requirements to calculate (based on gallons used and VOC content / gallon) and record emissions on a monthly basis; and (v) reporting of emissions on at least an annual basis. The limit should also be clearly expressed as a rolling 12-month number.

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From: Dykes, Teresa
Sent: Wednesday, May 2, 2018 2:27 PM
To: Johnson, Terry <Johnson.Terry@epa.gov>
Subject: RE: Request for Information: MM2A memorandum

Terry- thanks for sharing. There permits actions are the ones that I am most concerned about due to lack of enforceability. From what I can see the only permit term that supposedly limits HAP emissions is the following:

1. 15A NCAC 02Q .0317: AVOIDANCE CONDITIONS
for 15A NCAC 02D .1111: MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY
a. In order to avoid classification as a major source for MACT applicability, the facility-wide emission sources shall discharge into the atmosphere, per consecutive 12-month period, less than:
i. 10 tons of each individual hazardous air pollutant, and
ii. 25 tons of any combination of hazardous air pollutant

If there is something else that I missed- will you please let us know. As written, if this is the permit condition that is intended to be "an enforceable limit on the potential to emit (PTE) of the hazardous air pollutant (HAP)"- this permit term is not considered enforceable as a practical matter sufficient to ensure that the source maintains area source status. There is monitoring with this provision- a calculation requirement- but it seems inconsistent with the 1995

guidance on VOC coatings in that there are no limits or enforceable conditions on that calculation (e.g., no testing or proof of HAP content for material used).

Monitoring/Recordkeeping Requirements [15A NCAC 02Q .0508(f)]
b. The Permittee shall maintain monthly consumption records of each material used containing hazardous air pollutants as follows:

i. quantity of individual hazardous air pollutants in pounds used by the facility each month and for the 12-month period ending on that month,

ii. quantity of all hazardous air pollutants in pounds used by the facility each month and for the 12-month period ending on that month.

c. The Permittee shall keep a record of the applicability determination on site at the source for a period of five years after the determination, or until the source becomes an affected source.

My apologies to sending this to the whole list- but I think it is important to identify acceptable permit terms sooner rather than later in light of the fact that we have very little guidance on the implementation and enforcement of the MM2A (fka OIAI) memo.

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Subject: RE: Request for Information: MM2A memorandum

Heritage Homes in North Carolina is seeking to change its status from major to area for purposes of NESHAP applicability. Their T5 renewal permit is pending; the public comment period closed on April 18. Proposed renewal permit and statement of basis attached.

-Terry

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Subject: Request for Information: MM2A memorandum

All: Please see Grecia's email request below. Thanks

From: Castro, Grecia
Sent: Wednesday, May 02, 2018 3:06 PM
To: Magee, Melanie <Magee.Melanie@epa.gov>
Subject: RE: MM2A memorandum. Request: 2 Asks Request

Hi Melanie -Do you mind sending this request to the permitting group. Please let me know if you have questions. Thank you

All -We need your help gathering the information in the 2 asks, below. Also, please spread the word to others that may be able to help. Please forward the information to Debra Dalcher, cc: Grecia Castro. Thanks in advance

Background:
On January 25, 2018, the EPA issued a memorandum ("MM2A" memorandum) that removed a previous EPA policy (OIAI), which had classified as "major sources" any sources that entered the program for a certain MACT as "major sources" and in some cases imposed major source MACT requirements, including title V, on area sources within the MACT category.

The MM2A memorandum states that "EPA has now determined that "a major source which takes an enforceable limit on its PTE and takes measures to bring its HAP emissions below the applicable threshold becomes an area source, no matter when the source may choose to take measures to limit its PTE. That source, now having area source status, will not be subject thereafter to those requirements applicable to the source as a major source under CAA section 112, including, in particular, major source MACT standards – so long as the source's PTE remains below the applicable HAP emission thresholds." (emphasis added).

Request #1 Please share any permit actions (links or files) as you become aware of, or have an opportunity to review, that come in that include requests to remove or add MACT/AREA source requirements as a result of the 2018 MM2A Memo.

Request #2: We are going to try to address existing rules that have specific provisions that discuss the OIAI policy in the new Proposal package. Please let us know if you are aware of rules that take into account or address the OIAI Policy. We are looking for rule language (e.g. applicability provisions) not a preamble discussion on its own that doesn't seem to have reg. text to support it.

Thank you.