US EPA – Region 9 – ICRC, LLC. American Samoa Waste Conversion Project
Permitting Applicability Scenarios – April 15, 2015

We drew up a short list of permitting scenarios to help guide you through and help your team make some decisions on which route you may want to take from an air permitting standpoint. We would like to be as up front as possible about time requirements associated with each scenario.

Scenario A –
-Assume CAA Section 129 applies, therefore 40 CFR Part 60 Subpart AAAA applies (look up preconstruction requirements – be aware of time requirements)
-Title V Permit by EPA due to CAA Section 129 Applicability
-Minor NSR by American Samoa EPA
-Does not require EPA PSD pre-construction permit

Scenario B –
-Unknown Applicability for CAA Section 129 – seek applicability determination from the Office of Enforcement and Compliance Assurance (OECA) (6 months or more)
-Potential Title V Permit by US EPA if CAA Section 129 applies
-Minor NSR Permit by American Samoa EPA
-If CAA Section 129 applies, then 40 CFR Part 60 Subpart AAAA applies. Pre-construction requirements may apply under this subpart.
-Does not require EPA PSD pre-construction permit

Scenario C –
-After Section 129 Applicability Determination, if found to not apply, 40 CFR Part 60 Subpart AAAA does not apply, no US EPA Title V Permit requirements
-Minor NSR Permit by American Samoa EPA still required
-Does not require EPA PSD pre-construction permit

Scenario D –
-One or more pollutants exceeds PSD applicability thresholds, EPA PSD pre-construction permit required (can take over one year to complete)
-EPA Title V Permit required, 40 CFR Part 60 Subpart AAAA applies

We think Scenario A has the best chance for completing the required permitting within a relatively short amount of time. We believe that this approach minimizes potential exposure to an unfavorable applicability determination for the proposed project.