UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 24 2018

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Mr. Kevin Ham
Vice President
General Shale Brick, Inc.
3015 Bristol Highway
Johnson City, Tennessee 37601

Dear Mr. Ham:

This letter is to advise you that General Shale Brick, Inc. (General Shale) has additional time to submit information in support of its request for one-year extensions of the compliance date for the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Brick and Structural Clay Products Manufacturing. We also want to assure you that the U.S. Environmental Protection Agency's (EPA) request for additional information does not represent a determination on your request.

On September 27, 2018, EPA sent General Shale a letter (enclosed) requesting additional information to enable the agency to fully review the company's application requesting one-year extensions to the compliance date for the brick and clay NESHAP. It has been brought to our attention that in that letter, we misstated the provision providing the requisite number of days by which to submit the additional information to the agency. The correct provision is 40 CFR 63.6(i)(12)(ii) which allows you to submit the information within 30 calendar days upon being notified of the incomplete application.

To avoid any potential confusion, we are asking that General Shale submit the additional information within 30 calendar days from receipt of this letter. It is important for you to respond within that time frame. However, please be assured that the 30-day deadline for your response is not a deadline for a decision on your application. We will be happy to talk with you about your concerns with meeting the current compliance date of December 26, 2018, either before or after you submit your revised application. Our goal is to make sure that we have complete information before any decision is made.

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For your reference, the previous September 27th letter includes the details on what additional information should be submitted for the agency to move forward with your application. If you have any questions or would like any assistance as you complete your application, please contact Sara Ayres of my staff at (312) 353-6266 or by email at ayres.sara@epa.gov.

Sincerely,

Martha Segall
Acting Director
Monitoring, Assistance and Media Programs Division
Office of Compliance

Enclosure

cc: Phil Brooks, Division Director Air Enforcement Division, OECA
Sabrina Argentieri, Air Enforcement Division, OECA
David Cozzie, Acting Division Director Sector Policy and Programs Division, OAR
Brian Storey, Sector Policy and Programs Division, OAR
Scott Jordan, Office of General Counsel
Bruce Augustine, EPA Region 3
Jason Dressler, EPA Region 4
Alexis North, EPA Region 8

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SEP 27 2018

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Mr. Kevin Ham
Vice President
General Shale Brick, Inc.
3015 Bristol Highway
Johnson City, Tennessee 37601

Dear Mr. Ham:

This letter is in response to the General Shale Brick, Inc. (General Shale) request dated August 23, 2018, for a one-year extension to the December 26, 2018, compliance date for the National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing (Brick MACT), at 40 CFR Part 63, Subpart JJJJJ. Pursuant to 40 CFR §63.6(i)(12)(1), the United States Environmental Protection Agency (EPA) is notifying you that the application requesting the extension does not contain sufficient information upon which to make a determination. As discussed below, you will need to submit to EPA additional information to enable further action on the application.

General Shale has requested one-year extensions of the December 26, 2018, Brick MACT compliance date for your brick and structural clay products manufacturing facilities in Roanoke, Virginia, Denver, Colorado, and Columbus, Mississippi. The facilities meet the definition of brick and structural clay products manufacturing facilities and are located at major sources of HAP emissions. Therefore, they are subject to the Brick MACT at 40 CFR Part 63, Subpart JJJJJ.

In the August 23, 2018, request application, you state the compliance extension is needed for the facilities to become area sources by installing controls that will reduce the facilities' HAP emissions below the major source threshold making the facilities no longer subject to the Brick MACT. The request states that you plan to submit permits to Virginia in October 2018, and to Colorado and Mississippi in June 2019. No further compliance schedules were provided.

The compliance extension provisions at 40 CFR §63.6(i)(4)(i)(A) state that EPA may grant an extension allowing an affected source up to one additional year to comply with the standard, if such additional period is necessary for the installation of controls. The compliance extension provisions at 40 CFR §63.6(i)(6)(i)(A) and (B) also state that an application requesting a compliance extension must include the following information for the application to be complete and upon which a determination can be made:

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(A) A description of the controls to be installed to comply with the standard;

(B) A compliance schedule, including the date by which each step toward compliance will be reached. At a minimum, the list of dates shall include:

(1) The date by which on-site construction, installation of emission control equipment, or a process change is planned to be initiated; and

(2) The date by which final compliance is to be achieved.

(3) The date by which on-site construction, installation of emission control equipment, or a process change is to be completed; and

(4) The date by which final compliance is to be achieved.

EPA's view is that if a facility is working with their delegated authority to ensure their HAP emissions are below the major source threshold (10 tons per year of individual HAP or 25 tons per year of combined HAP) and/or to obtain an enforceable limit on their potential to emit HAP, and shows that either (1) the facility will need additional time to install controls to come into compliance with the requirements in the NESHAP, or (2) the facility will need additional time to install controls (if necessary to reduce the facility's potential to emit HAP to below the major source threshold) and to take an enforceable limit on the facility's potential to emit HAP to below the major source thresholds, that facility will have provided a basis to obtain a compliance extension under 40 CFR 63.6(i). EPA notes that the availability of an extension is not limited to these two showings, and EPA will evaluate each request individually.

Based on our review of your request, EPA finds that the application is incomplete and contains insufficient information to make a determination. The following information is required to be submitted to complete the application:

(1) A description of how the proposed controls will ensure the facilities become and remain area sources (including any available test data); and

(2) A compliance schedule including at a minimum, the dates by which any permit application was/will be submitted or installation of controls will start, the date when the permit or installation of controls is expected to be complete, and the date by which final compliance will be achieved.

Pursuant to 40 CFR §63.6(i)(13)(ii), General Shale is to provide a written submission containing the required additional information to the Agency within 15 calendar days after being notified of the incomplete application to enable further action on the application. Please submit the required information to Sara Ayres of my staff via email at ayres.sara@epa.gov.

Should you have questions concerning the above, please contact Sara Ayres at (312) 353-6266 or email at ayres.sara@epa.gov.

Sincerely,

Martha Segall
Acting Director
Monitoring, Assistance, and Media Programs Division
Office of Compliance

cc: Phil Brooks, Division Director Air Enforcement Division, OECA
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