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

SEP 27 2018

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Mr. Mike Semanisin
Vice President
Richards Brick Company
234 Springer Avenue
Edwardsville, Ilinois 62025

Dear Mr. Semanisin:

This letter is in response to the Richards Brick Company (Richards Brick) request dated August 22, 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.

Richards Brick has requested a one-year extension of the December 26, 2018, Brick MACT compliance date for your brick and structural clay products manufacturing facility in Edwardsville, Illinois. The facility meets the definition of a brick and structural clay products manufacturing facility and is located at a major source of HAP emissions. Therefore, it is subject to the Brick MACT at 40 CFR Part 63, Subpart JJJJJ.

In the August 22, 2018, request application, you state the compliance extension is needed for the facility to become an area source by taking a federally enforceable permit limit and no longer be subject to the Brick MACT. Also, the request states that a permit application was submitted to the state in March 2017. No further compliance schedule was 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:

(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 permit limits will ensure the facility becomes and remains an area source (including any available test data); and

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

Pursuant to 40 CFR §63.6(i)(13)(ii), Richards Brick 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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