

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

18 AUG 1978

Mr. Theodore L. Garrett
Counsel for Ashland-Warren, Inc.
Covington and Burling
888 Sixteenth Street, N.W.
Washington, D.C. 20006

Dear Mr. Garrett:

Thank you for your letter of July 26, 1978. In that letter you ask for a ruling "that in the case of the hot-mix asphalt industry, potential emissions include only those expected to occur with the use of primary and secondary dust control and collection equipment."

We have carefully reviewed the arguments in your letter referred to above and in the January 31, 1978, comments of Ashland-Warren, Inc., and the National Asphalt Pavement Association regarding proposed regulations for the prevention of significant deterioration (PSD) of air quality (42 FR 57471-79, November 3, 1977).

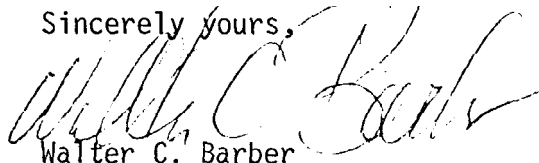
In response to your request, a ruling that would define potential emissions to include only those expected to occur with the use of primary and secondary dust control equipment would not be consistent with the recently published regulations for the prevention of significant deterioration. Neither the primary nor secondary control equipment generally used by the asphalt industry is so vital that the product could not be produced without the control equipment. Basically, the mineral fines, when necessary for the product, need not come solely from those collected through the dust collection systems. Such resource recovery activity, though financially beneficial to the source, is not "vital to the production of the normal product" and must be included in calculating potential emissions under the PSD regulations. See, 43 FR 26392, June 19, 1978.

In response to other comments raised by Ashland-Warren and the National Asphalt Pavement Association, the Agency amended the proposed regulations to alleviate a serious review burden that the asphalt industry would have been subject to otherwise. Specifically, the regulations were amended to allow for a one-time permit for asphalt batch plants without requiring additional permits for relocations. See, 40 CFR SS51.24(i), 52.21(i). This exemption meets the primary concerns of the asphalt industry as indicated by the comments to the proposed regulations.

In addition, I would like to point out that the current PSD regulations contain a two-tier review which focuses the detailed, more time-consuming aspects of the PSD review on those sources with allowable emissions (i.e., those after control) of greater than 50 tons per year, 1000 pounds per day, or 100 pounds per hour. For major sources subject to PSD with allowable emissions less than the above cutoffs, the review would only consist of a determination that (1) the emissions from the source would not adversely impact areas with known violations of the applicable PSD increment or any Class I area, (2) a valid State new source review permit had been obtained, and (3) there was adequate opportunity for public comment on the proposed new source. It is my understanding that most hot-mix asphalt plants will be able to qualify for this abbreviated PSD review through the application of good control technology.

I trust this fully responds to your inquiry.

Sincerely yours,



Walter C. Barber

Director

Office of Air Quality Planning
and Standards

cc: D. Hawkins
M. James
D. Goodwin
R. Wilson