September 7, 1979

Mr. Colin Morrissey, Director
Dade County Department of
Environmental Resources Management
909 S.E. First Avenue
Miami, Florida 33131

Dear Mr. Morrissey:

Re: Dade County Resource Recovery Facility
PA 77-08

This is in response to your letter of August 31, 1979, concerning this Facility. In that letter you advised us that EPA has determined condition 5 of the PSD Authority to Construct issued March 30, 1978 (effective February 27, 1978), and all of the requirements for approval under the EPA Offset Policy (41 Federal Register 55524(1976)) will be satisfied when the County satisfied the two conditions set out in that letter. You have asked us to consider the impact of this determination on the construction permits and power plant certification which the Department has already issued and processed for this Facility. You have also asked the Department to consider the impact of the projected emissions from the Facility of nonmethane hydrocarbons, nitrogen oxides and carbon monoxide.

At the time of the application for site certification and the application for a construction permit were submitted there was no applicable emission limitation on this type facility for $NO_x$, CO, or hydrocarbons. There are none applicable at this time in Chapter 17-2, Florida Administrative Code.

The power plant site certification granted pursuant to Chapter 403, Florida Statutes supercedes the requirement for any operation permit. Since this certification was issued prior to the adoption of Section 17-2.17 and 17-2.18, Florida Administrative Code, the Resource Recovery Facility is considered an existing source. Therefore, Sections 17-2.17 and 17-2.18 and not applicable. EPA's determination and your compliance with their recommendations will not impact the conditions of certification.

The Department will not consider the Facility to be in violation of the provisions of General Condition No. I, solely because of the lack of information on CO, $NO_x$, or hydrocarbons, when the unit goes into operation. The Department did have some estimates of the emissions of $NO_x$, CO, and hydrocarbons during the certification proceedings, and as stated previously there are no emission standards applicable under Chapter 17-2.

The Department would appreciate receipt of emissions data obtained from testing of the Facility once operation begins. If you have further questions, please contact me.

Sincerely,

Hamilton S. Oven, Jr. P.E.
Administrator
Power Plant Siting

HSO/mj

cc: Mary Clark
Sheri Smallwood
Warren Strahm
J. P. Subramani ✓

Dave Barker
looks OK ✓
Return to Steve Otte.

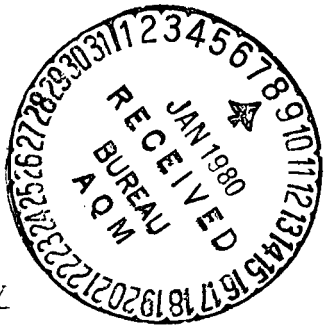
# METROPOLITAN DADE COUNTY · FLORIDA

909 S.E. First Avenue
Brickell Plaza Building - Rm. 402
Miami, Florida 33131
Telephone: 579 2760

ENVIRONMENTAL RESOURCES MANAGEMENT

December 20, 1979

Mr. John C. White
Regional Administrator
United States Environmental
Protection Agency
Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30308




Dade County Resource Recovery Facility

Dear Mr. White:

In our letter to you of August 24, 1979 in connection with the above Facility, Dade County inquired as to appropriate compliance procedures regarding Condition 5 of the EPA's Authority to Construct (the "Permit"), which required Dade County to either demonstrate the Facility would emit less than 100 tons/year of non-methane hydrocarbons, or, alternatively, obtain legally enforceable offsets for such emissions from the Facility, and/or make allocations from the new source growth allowance for Dade County.

In your reply of August 24, 1979 you confirmed that the County would be required to furnish evidence by January 1, 1980 demonstrating satisfaction of the Condition through one or more of the above means.

I am pleased to report that the County has just received certificates as to the completed hydrocarbon emission test results from the comparable resource recovery facility located in Hempstead, Long Island, New York and extrapolations therefrom for the Facility. These show projected hydrocarbons to be less than 100 tons/year. Copies of these certificates are enclosed.

We would appreciate your confirmation as to this County's timely compliance with Condition 5 of the Permit.

Very truly yours,

Colin Morrissey, Director
Environmental Resources Management

CM:RJ:ag
Attachments
cc: Brian Mitchell
Roger Pfaff

# METROPOLITAN DADE COUNTY • FLORIDA

909 S.E. First Avenue
Brickell Plaza, Building - Rm. 402
Miami, Florida 33131
Telephone: 579 2760

ENVIRONMENTAL RESOURCES MANAGEMENT

## CERTIFICATE OF COMPLIANCE

Metropolitan Dade County, Florida (the "County") hereby certifies that the following facts are true and correct:

1. This Certificate is filed with the United States Environmental Protection Agency ("EPA"), Region IV, Atlanta, in order to demonstrate and confirm the County's compliance with Condition 5 of EPA's Authority to Construct ("Condition 5") issued effective February 27, 1978 to the County in connection with the Dade County Resource Recovery Facility (the "Facility").

2. In accordance with EPA's instructions of August 24, 1979, as set out in the letter of John C. White, EPA Regional Administrator, the County may satisfy Condition 5 by evidence that the Facility now under construction will emit less than 100 tons of non-methane hydrocarbons annually, or alternatively, by providing to EPA legally enforceable offsets and/or allocations of the new source growth allowance for Dade County.

3. Pursuant to EPA's letter of August 24, 1979, the County elects to comply with Condition 5 by demonstrating the subject emissions described in paragraph 2 above will be less than 100 tons per year.

4. Based on the attached (i) "Report of Tests" (the "Report") dated December 18, 1979 conducted at the Hempstead Facility by New York Testing Laboratories, Inc., Westbury, Long Island, New York and (ii) calculations and projections of emissions for the County's Facility made by Environmental Science & Engineering Co., Gainesville, Florida, the County has determined that such Report and extrapolations confirm that non-methane hydrocarbon emissions from the Facility will be less than 100 tons per year (operating 24 hours/day, 6 days/week, 52 weeks/year).

METROPOLITAN DADE COUNTY

By _____
Colin Morrissey
Director, Environmental
Resources Management

CERTIFICATE OF COMPLIANCE

Sworn to and subscribed this 20th day of December, 1979.

_____
Notary Public
State of Florida at Large

My Commission Expires:

In the Matter of: )
)
Metropolitan Dade County )
Resource Recovery Facility, )
U.S. Environmental Protection )
Agency Region IV, Prevention )
of Significant Deterioration )
Permit, February 27, 1978. )

AFFIDAVIT

STATE OF FLORIDA )
)
COUNTY OF ALACHUA )

Before me, the undersigned authority, this day personnally appeared

Kennard F. Kosky who by me being first duly sworn, deposes and says:

1. I am Kennard F. Kosky, Director of the Air Division of Environmental Science and Engineering, Inc., ("ESE") Gainesville, Florida 32604. I am a registered Professional Engineer and have over nine years experience in air pollution. A copy of my resume is attached.

2. ESE has served as consulting environmental engineer to Resource Recovery (Dade County), Inc. ("RRDC") in connection with permits for construction of a resource recovery facility to be owned by Metropolitan Dade County, Florida (the "County"), known as the Dade County Resource Recovery Facility (the "Facility"). I have been the responsible individual of ESE for this project.

3. At the request of RRDC and the County, ESE has reviewed a December 18, 1979 Report of Tests (the "Report") (copy attached) prepared by New York Laboratories, Inc., certifying the stack emission test data as to hydrocarbons from the Hempstead facility. On the basis of test data provided in the Report, ESE has made firm projections of comparable emissions anticipated at the Facility. A copy of these projections is attached as Attachment A. These extrapolated projections were calculated in accordance with accepted engineering standards.

4. Based on the information contained in the Report, ESE has determined that the maximum non-methane hydrocarbon emissions from the Facility when operational will not exceed 92 tons annually.

5. This Certification is intended to be used by the County in support of its Certificate of Compliance to the United States Environmental Protection Agency ("EPA") in satisfaction of conditions in an Authority to Construct (the "EPA Permit") issued effective February 27, 1978.

ENVIRONMENTAL SCIENCE
& ENGINEERING, INC.

By Kennard F. Kosky
Kennard F. Kosky, P.E.

Sworn to and subscribed this 2nd day of DECEMBER, 1979.

Elizabeth Ann Burnette
Notary Public

My Commission Expires:
NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES SEPT. 19, 1982

Attachment A

CALCULATION SHEET - HYDROCARBON EMISSIONS

DADE COUNTY RESOURCE RECOVERY FACILITY

Given Information: (Hempstead Test Information)

Total Hydrocarbons (average) = 35.2 ppm dry basis, Methane <2 ppm dry basis

Flow Rate (average) = 4,272,864 SCFH (Dry); 5,808,553 SCFH (Wet)

Moisture in Stack Gas = (5,808,553 - 4,272,864) ÷ 5,808,553 = 0.26; 26%

Dade County Resource Recovery Source Information:

Flow Rate = 314,000 ACFM for 2 units @ 420°F

Flow Rate Dry Basis = 314,000 ACFM x (1 - 0.26) x 528/880 = 139,400 SCFM (Dry)

Total Flow = 139,400 SCFM (Dry) x 2 stacks x 60 min/hr = 16,728,000 SCFH (Dry)

Emission Calculation:

Total Hydrocarbons = 35 ppm = 0.0233 $g/m^3$

HC Emissions = 16,728,000 SCFH x 0.0233 $g/m^3$ x 0.02832 $m^3/ft.^3$ x 0.002205 lb/g = 24.3 lb/hr.

HC Emissions (Annual) = 24.3 lb/hr x 24 hr/day x 6 days/week x 52 weeks/year x ton/2000 lb = 91 tons/yr.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET
ATLANTA, GEORGIA 30308

MAR 30 1978

Mr. Colin Morrissey, Director
Metropolitan Dade County
Environmental Resources Management
909 SE First Avenue
Brickell Plaza Building, Room 402
Miami, Florida 33131

Dear Mr. Morrisey:

Review of your October 10, 1977, application for authority to construct a resource recovery facility near Dade County, Florida has been completed. On the basis of this review we have determined that conditioned operation of the proposed plant at the specified location will not violate the Class I or Class II air quality increments specified in the EPA regulations for Prevention of Significant Deterioration (PSD). Furthermore, we have determined that this plant will meet the federal regulatory requirement under PSD, that Best Available Control Technology (BACT) be used to limit emissions of sulfur dioxide and particulate matter.

A request for public comment regarding the preliminary determination on the above application was published on January 16, 1978. However, no comments were received during the public comment period. Authority to Construct a Stationary Source is hereby issued for the facility described above, subject to the attached conditions. This Authority to Construct is based solely on the requirements of 40 CFR 52.21, the federal regulations governing significant deterioration of air quality. It does not apply to NPDES or other permits issued by this agency or permits issued by other agencies. Additionally, construction covered by this Authority to Construct must be initiated by December 1, 1978.

Please be advised that a violation of any condition issued as part of this approval, as well as any construction which proceeds in material variance with information submitted in your application, will be subject to enforcement action.

Authority to Construct will take effect on the date of this letter. The complete analysis which justifies this approval has been fully documented for future reference, if necessary. Any questions concerning this approval may be directed to Ray Cunningham, Chief, Air Strategy Development Section (404/881-3286).

Sincerely yours,

for John A. Little, Deputy

John C. White
Regional Administrator

Attachment

This Approval to Construct would be issued this date Feb. 27, 1978, but for the order entered in Environmental Defense Fund v. Environmental Protection Agency, No. 78-281 (D.D.C.) (entered on February ,1978).

John A. Little

1. Upon final review of the particulate control device specifications, if EPA finds that additional precipitator capacity needs to be installed to meet the applicable particulate emission limit specified in Condition 2, this additional precipitator capacity will be designed and constructed prior to startup. EPA will complete the preconstruction review for this facility within 60 days from receipt of the additional design information which the facility will submit by April 1, 1978.
2. The source must meet a particulate emission limit, as measured under Condition 4, of 0.08 grains per dry standard cubic foot corrected to 12 percent carbon dioxide. This limit is identical to that required by 40 CFR 60, Subpart E, Standards of Performance for New Stationary Sources.
3. Only low sulfur (0.8% or less) Number 2 fuel oil will be used for startup of the incinerators. Startup times may vary but will not exceed the following: 1) 12 hours at low fuel oil feed rate during "cold" start, or 2) 1 hour during a "hot" start.
4. Additionally, the applicant must comply with the following:
   a. Within 60 days after achieving the maximum production rate at which the source will be operated, but no later than 180 days after initial startup, the owner or operator shall conduct performance tests and furnish EPA a written report of the results of such performance tests.
   b. Performance tests shall be conducted and data reduced in accordance with methods and procedures specified by EPA. Reference methods 1 through 5 as published in Appendix A of 40 CFR 60 will be used for particulate tests.

c. Performance tests shall be conducted under such conditions as EPA shall specify based on representative performance of the source. The owner or operator shall make available to EPA such records as may be necessary to determine the conditions of the performance tests.

d. The owner or operator shall provide 30 days prior notice of the performance test to afford EPA the opportunity to have an observer present.

e. The owner or operator shall provide or cause to be provided, performance testing facilities as follows:

   1. Sampling ports adequate for test methods applicable to the source.

   2. Safe sampling platform(s).

   3. Safe access to sampling platform(s).

f. Each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified by EPA. For the purpose of determining compliance with an emission limitation, the arithmetic mean of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances

beyond the owner or operator's control, compliance may, upon the approval of EPA, be determined using the arithmetic mean of the other two runs.

5. The applicant must furnish to EPA evidence that the source emits less than 100 tons/year of hydrocarbons due to its location in a non-attainment area for oxidants, or must obtain legally enforceable offsets for the hydrocarbon emissions from this facility.

# Pre-Construction Review and Final Determination for the Metropolitan Dade County Resource Recovery Facility to be Constructed in Dade County, Florida

This review was performed by the
U. S. Environmental Protection Agency
in accordance with EPA regulations for
Prevention of Significant Air Quality
Deterioration

February 25, 1978

TABLE OF CONTENTS

## INTRODUCTION AND FINAL DETERMINATION

On December 5, 1974, the Environmental Protection Agency promulgated regulations for Prevention of Significant Air Quality Deterioration (PSD). These regulations were amended on June 12, 1975 and September 10, 1975. On August 7, 1977, the Clean Air Act Amendments of 1977 became law setting forth new PSD requirements. A November 3, 1977 final rulemaking further amended the PSD regulations to incorporate immediately effective changes required by the 1977 Amendments. Specifically, these changes are: 1) Mandatory Class I areas, 2) More restrictive ambient increments for sulfur dioxide and particulate matter, and 3) Restrictions on Class III reclassifications. Also, a new section of the Act on tall stacks limits the credit for stack height to good engineering practice. Under these regulations, a source that is included in one of 19 source categories must be reviewed with regard to significant deterioration prior to construction. Authority for implementing these regulations in the State of Florida presently rests with the EPA. Therefore, sources wishing to construct in Florida must obtain approval from both EPA and the State.

Under the PSD regulations a source must pass two criteria in order to be approved. The first criteria is that Best Available Control Technology (BACT) must be applied to all emission points of sulfur oxides ($SO_2$) and particulate matter (TSP) within the facility. The second criteria is that increases in ambient concentrations of $SO_2$ and particulates resulting from emissions from this source must not exceed certain

increments. All areas are presently classified as either Class I or Class II (see attached regulations).

Allowable increments in ambient concentrations are as follows:

| Pollutant | Class I ug/m3 | Class II ug/m3 |
|---|---|---|
| Particulate Matter | | |
| Annual Geometric Mean | 5 | 19 |
| 24-hour Maximum | 10 | 37 |
| Sulfur Dioxide | | |
| Annual Arithmetic Mean | 2 | 20 |
| 24-Hour Maximum | 5 | 91 |
| 3-Hour Maximum | 25 | 512 |

The increments caused by the source are evaluated using air quality models developed by EPA.

Metropolitan Dade County intends to construct a 3000 ton per day solid waste recovery facility (incinerator) in Dade County near the Miami International Airport, and has submitted applications to the EPA for approval to construct four sources of air pollutant emissions at the facility.

EPA has reviewed the material submitted by engineering consultants for Metropolitan Dade County and has made a final determination that in accordance with 40 CFR 52.21(d)(2)(ii), this construction can be approved with conditions. These conditions are necessary for the following reasons:

1. An emission limit is required as a condition of approval for each source under 40 CFR 52.21(d)(2)(ii).

2. From the data submitted in the application, EPA is unable to determine whether Best Available Control Technology (BACT) for particulate emissions will be applied to the source.

For particulate emission control, the applicant plans to install an electrostatic precipitator. Detailed design specifications for the precipitator have been submitted. The vendor has guaranteed the precipitator to comply with an emission limit of 0.06 grains per dry standard cubic foot (0.06 gr/DSCF) corrected to 12 percent $CO_2$. BACT is defined by 40 CFR 52.01(f) as that technology which will cause the source to comply with the Federal New Source Performance Standard, which is 0.08 gr/DSCF corrected to 12 percent $CO_2$. If the guaranteed emission rate is met, the unit would comply with BACT requirements.

Upon review of the technical specifications of the precipitator, EPA has been unable, in the time allotted for review, to obtain sufficient data with which to determine if the precipitator is capable of complying with the guaranteed emission rate. It is EPA's conclusion, however, that the technique of electrostatic precipitation does represent BACT for this source. The only uncertainty is the capacity of the precipitator necessary to meet the emission limitation.

Since the applicant has made provisions for installation of additional precipitator capacity, and since the manufacturer has guaranteed the precipitator to meet the emission limit, the construction should be approved contingent upon further review of the control device prior to startup.

The maximum additional control which EPA will require upon further review will be an additional control equal in design to the precipitator now planned. Therefore, one of the conditions of approval is that this additional precipitator capacity will be installed before startup of the source, if EPA determines it to be necessary.

Sulfur dioxide emissions are very low and no additional $SO_2$ control will be required. ($SO_2$ emissions are estimated as 2.5 lb per ton of refuse burned, or 180 lb per hour or 116ppm. No. 2 fuel oil will be used for startup only, so these emissions are negligible.

Conditions to Approval

1. Upon final review of the particulate control device specifications, if EPA finds that additional precipitator capacity needs to be installed to meet the applicable particulate emission limit

## AIR QUALITY ANALYSIS

The purpose of this section is to present the results of a diffusion analysis, using EPA's air quality models, to predict the maximum concentrations for suspended particulates (TSP) and sulfur dioxide ($SO_2$) for various averaging periods. The initial modeling analysis was conducted by an environmental consulting firm and submitted to EPA for review. The results of EPA's review are presented below. Based on these results the following conclusions may be drawn for the proposed construction of the resource recovery facility:

1. The proposed operations will be in compliance with EPA's regulations for the Prevention of Significant Deterioration as promulgated in the Federal Register on December 5, 1974, and as amended on June 12 and September 10, 1975, and November 3, 1977. Specifically, the impact of the proposed source will not cause a violation of the applicable PSD increments allowed for the Class I or Class II areas affected.
2. The ground level concentrations of TSP and $SO_2$ due soley to the operations of the proposed facility will not contravene any applicable Federal ambient air quality standards.

### Results

The impact of the proposed resource recovery facility upon local ambient contaminant levels was evaluated by means of mathematical dispersion models which simulate the processes of transport and diffusion of stack effluents in the atmosphere. The models employed

for this purpose are Gaussion plume models developed by the Meteorological Laboratory of the Environmental Protection Agency. Inputs include physical dimensions and emission characteristics of the source, as well as hourly values of those meteorological parameters affecting plume behavior. The emission rates used for modeling the proposed facility were emissions which represent best available control technology. Ground-level concentrations of TSP and $SO_2$ attributable to operation of the proposed facility were computed for one hour, 24-hour, and annual averaging periods. The output obtained from application of the models consists of hourly, daily, and annual average concentrations at each designated "receptor" location.

The models used and brief summaries of each model are given below:

PTMAX - A single source model which calculates the maximum 10 minute concentration and downwind distance to point of maximum concentration as a function of stability class and a given set of wind speed categories.

CRSTER - A single source model which is designed to calculate maximum one-hour, 24-hour, and annual average concentrations at a specified set of receptors for a full year of actual hourly meteorological data.

PTMTPW - A multiple source model which calculates hourly concentrations and the average concentration for several hours as a function of specified meteorological conditions at specified receptors.

AQDM - A multiple source model which calculates the annual arithmetic average concentration from regional source emissions and meteorological data.

Table 1 presents the input parameters to the models for all of the point sources at the proposed facility. The distance from the proposed source to the nearest Everglades National Park boundary is approximately 33 kilometers in a general direction of 255° from North (see Figure 1). The maximum ground level concentrations of TSP and $SO_2$ for this Class I area occurred in this direction at that distance as modeled with CRSTER and these values are shown in Table 2 along with the maximum impacts in the Class II area where the facility is located (see Figure 2). The air quality modeling analysis predicted the impact of the proposed source to be in compliance with PSD regulations. As can be seen from Table 2, the annual and short-term PSD increments are not violated. Therefore, the construction is approved with conditions as outlined above to ensure compliance with BACT.

TABLE 1

Operating and Emission Parameters During Normal Operations

| | Source | | | |
|---|---|---|---|---|
| | Boilers 1 & 2 | Boilers 3 & 4 | Pathological Incinerator | Glass Dryer |
| Sulfur (%) | 0.1 | 0.1 | - | 0.5 |
| $SO_2$ Emission Rate (g/sec) | 36.3 | 36.3 | - | 0.12 |
| TSP Emission Rate (g/sec) | 13.65 | 13.65 | 0.15 | 0.02 |
| Stack Height (meters) | 45.7 | 45.7 | 6.5 | 4.6 |
| Stack Diameter (meters) | 2.67 | 2.67 | 0.61 | 0.61 |
| Exit Temperature (degrees kelvin) | 489.0 | 489.0 | 977.0 | 394.0 |
| Exit Velocity (m/sec) | 14.0 | 14.0 | 8.1 | 0.7 |

TABLE 2

Summary of Air Quality Impact in the Vicinity of
Dade County's Proposed Resource Recovery Facility

| Pollutant | Allowable Class I Increments (ug/m3) | Increment Consumed in Everglades Nat'l Park (ug/m3) | Allowable Class II Increments (ug/m3) | Increment Consumed in Class II area (ug/m3) |
|---|---|---|---|---|
| Particulate Matter (TSP) | | | | |
| Annual Geometric Mean | 5 | 0.2 | 19 | 0.7 |
| 24-hour Maximum* | 10 | 0.8 | 37 | 10.0 |
| Sulfur Dioxide | | | | |
| Annual Arithmetic Mean | 2 | 0.3 | 20 | 2.0 |
| 24-Hour Maximum* | 5 | 2.1 | 91 | 25.0 |
| 3-Hour Maximum* | 25 | 8.7 | 512 | 82.0 |

*Not to be exceeded more than once per year

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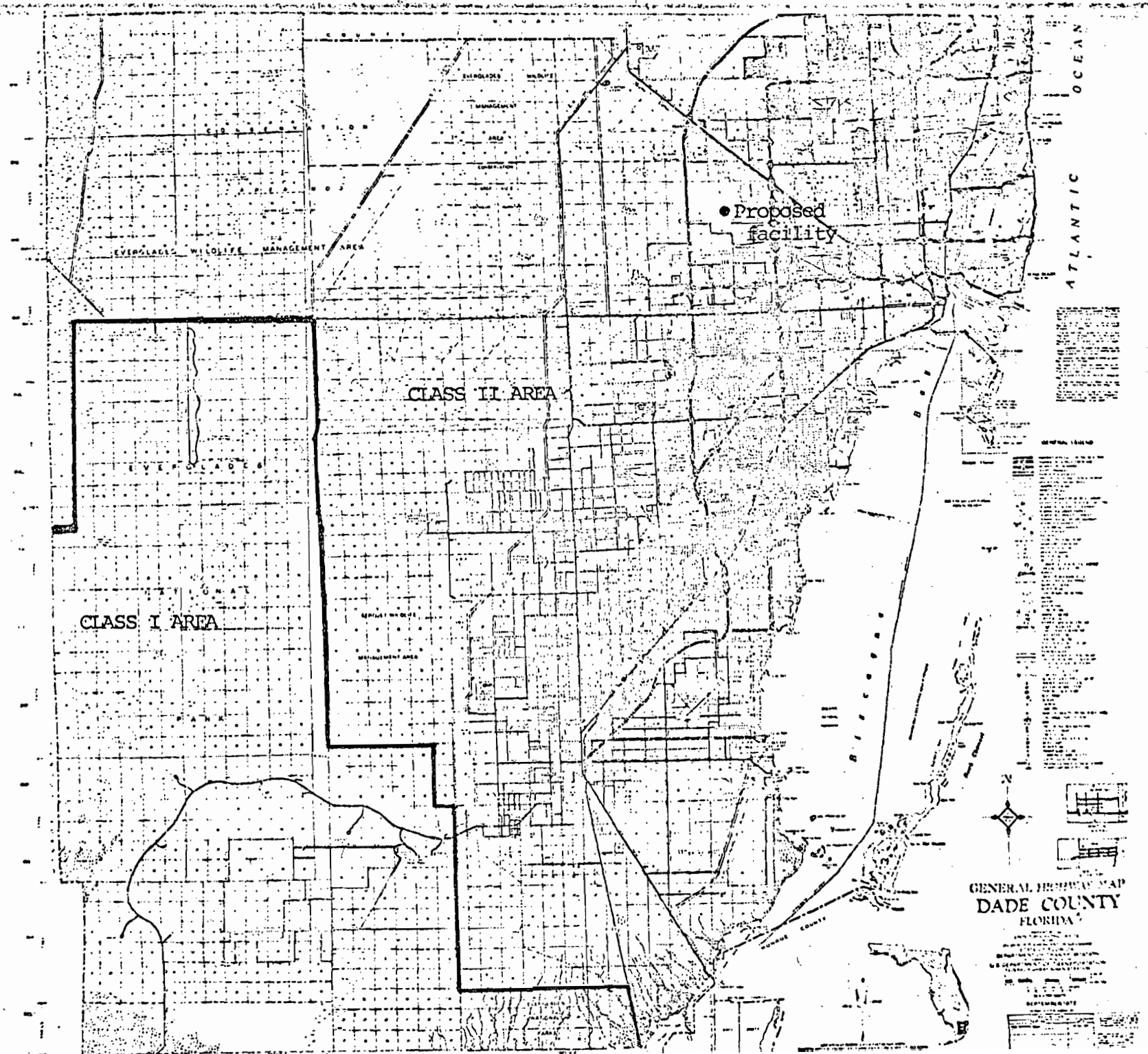


Figure 1

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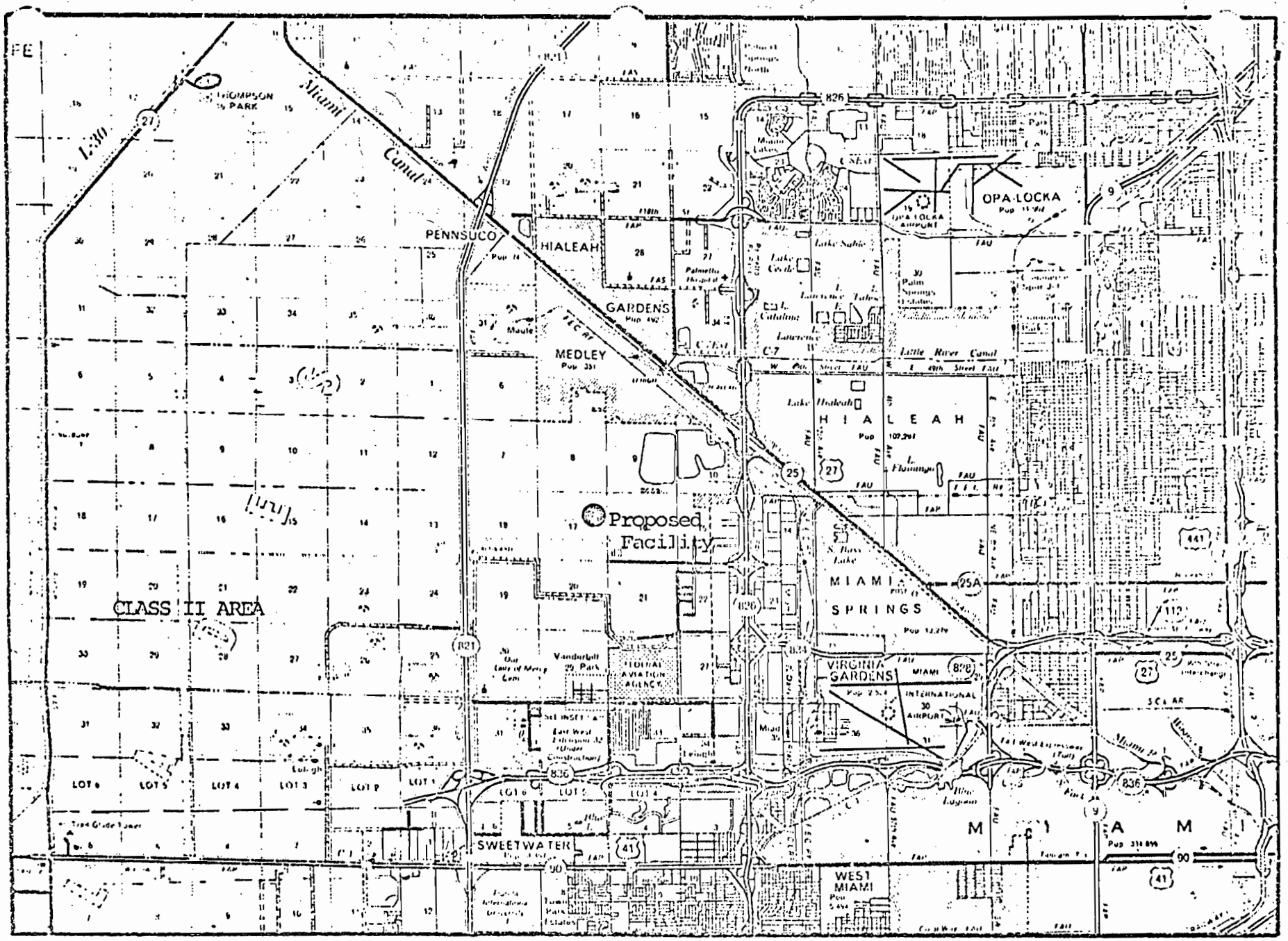


Figure 2

# RESPONSE TO COMMENTS

No comments were received in response to the preliminary determination.

each region in the State. An attainment date which only refers to a month and a year (such as July 1975) shall be construed to mean the last day of the month in question. Every individual source subject to a control strategy requirement set forth in the plan must comply with such requirement no later than the specified attainment date. However, the specification of attainment dates for national standards does not relieve any State from the provisions of § 51.15 of this chapter which require all sources and categories of sources to comply with applicable requirements of the plan—

(a) As expeditiously as practicable where the requirement is part of a control strategy designed to attain a primary standard, and

(b) Within a reasonable time where the requirement is part of a control strategy designed to attain a secondary standard.

[39 FR 34533, September 26, 1974]

**§ 52.21 Significant deterioration of air quality.**

(a) *Plan disapproval.* Subsequent to May 31, 1972, the Administrator reviewed State implementation plans to determine whether or not the plans permit or prevent significant deterioration of air quality in any portion of any State where the existing air quality is better than one or more of the secondary standards. The review indicates that State plans generally do not contain regulations or procedures specifically addressed to this problem. Specific disapprovals are listed, where applicable, in Subparts B through DDD of this part. No disapproval with respect to a State's failure to prevent significant deterioration of air quality shall invalidate or otherwise affect the obligations of States, emission sources, or other persons with respect to all portion of plans approved or promulgated under this part.

(b) *Definitions.* For the purposes of this section:

(1) "Facility" means an identifiable piece of process equipment. A stationary source is composed of one or more pollutant-emitting facilities.

[40 FR 25004, June 12, 1975]

(2) The phrase "Administrator" means the Administrator of the Environmental Protection Agency or his designated representative.

(3) The phrase "Federal Land Manager" means the head, or his designated representative, of any Department or Agency of the Federal Government which administers federally-owned land, including public domain lands.

(4) The phrase "Indian Reservation" means any federally-recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(5) The phrase "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(6) "Construction" means fabrication, erection or installation of a stationary source.

(7) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(c) *Area designation and deterioration increment.* (1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the provisions shall also be applicable to all lands owned by the Federal Government and Indian Reservations located in such State. The provisions of this paragraph do not apply in those counties or other functionally equivalent areas that pervasively exceeded any national ambient air quality standards during 1974 for sulfur dioxide or particulate matter and then only with respect to such pollutants. States may notify the Administrator at any time of those areas which exceeded the national standards during 1974 and therefore are exempt from the requirements of this paragraph.

(2) (i) For purposes of this paragraph, areas designated as Class I or II shall be limited to the following increases in pollutant concentration occurring since January 1, 1975:

[40 FR 25004, June 12, 1975]

*Area designations*

| Pollutant | Class I $ug/m^3$ | Class II $ug/m^3$ |
|---|---|---|
| Particulate matter: | | |
| Annual geometric mean | 5 | 19 |
| 24-hr maximum | 10 | 37 |
| Sulfur dioxide: | | |
| Annual arithmetic mean | 2 | 15 |
| 24-hr maximum | 5 | 100 |
| 3-hr maximum | 25 | 700 |

[40 FR 2802, January 16, 1975]

(ii) For purposes of this paragraph, areas designated as Class III shall be limited to concentrations of particulate matter and sulfur dioxide no greater than the national ambient air quality standards.

(iii) The air quality impact of sources granted approval to construct or modify prior to January 1, 1975 (pursuant to the approved new source review procedures in the plan) but not yet operating prior to January 1, 1975, shall not be counted against the air quality increments specified in paragraph (c) (2) (i) of this section.

[40 FR 25004, June 12, 1975]

(3) (i) All areas are designated Class II as of the effective date of this paragraph. Redesignation may be proposed by the respective States, Federal Land Managers, or Indian Governing Bodies, as provided below, subject to approval by the Administrator.

(ii) The State may submit to the Administrator a proposal to redesignate areas of the State Class I, Class II, or Class III, provided that:

(a) At least one public hearing is held in or near the area affected and this public hearing is held in accordance with procedures established in § 51.4 of this chapter, and

(b) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing, and

[40 FR 25004, June 12, 1975]

(c) A discussion of the reasons for the proposed redesignation is available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contains appropriate notification of the availability of such discussion, and

(d) The proposed redesignation is based on the record of the State's hearing, which must reflect the basis for the proposed redesignation, including consideration of (1) growth anticipated in the area, (2) the social, environmental, and economic effects of such redesignation upon the area being proposed for redesignation and upon other areas and States, and (3) any impacts of such proposed redesignation upon regional or national interests.

(e) The redesignation is proposed after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

[40 FR 25004, June 12, 1975]

(iii) Except as provided in subdivision (iv) of this subparagraph, a State in which lands owned by the Federal Government are located may submit to the Administrator a proposal to redesignate such lands Class I, Class II, or Class III in accordance with subdivision (ii) of the subparagraph provided that:

(a) The redesignation is consistent with adjacent State and privately owned land, and

(b) Such redesignation is proposed after consultation with the Federal Land Manager.

(iv) Notwithstanding subdivision (iii) of this subparagraph, the Federal Land Manager may submit to the Administrator a proposal to redesignate any Federal lands to a more restrictive designation than would otherwise be applicable provided that:

(a) The Federal Land Manager follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Federal Land is located or which border the Federal land.

(v) Nothing in this section is intended to convey authority to the States over Indian Reservations where States have not assumed such authority under other laws nor is it intended to deny jurisdiction which States have assumed under other laws. Where a State has not assumed jurisdiction over an Indian Reservation the appropriate Indian Governing Body may submit to the Administrator a proposal to redesignate areas Class I, Class II, or Class III, provided that:

(a) The Indian Governing Body follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located or which border the Indian Reservation and, for those lands held in trust, with the approval of the Secretary of the Interior.

(vi) The Administrator shall approve, within 90 days, any redesignation proposed pursuant to this subparagraph as follows:

(a) Any redesignation proposed pursuant to subdivisions (ii) and (iii) of this


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subparagraph shall be approved unless the Administrator determines (1) that the requirements of subdivisions (ii) and (iii) of this subparagraph have not been complied with, (2) that the state has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3)(ii)(*d*) of this paragraph, or (3) that the State has not requested and received delegation of responsibility for carrying out the new source review requirements of paragraphs (d) and (e) of this section.

[40 FR 25004, June 12, 1975]

(*b*) Any redesignation proposed pursuant to subdivision (iv) of this subparagraph shall be approved unless he determines (*1*) that the requirements of subdivision (iv) of this subparagraph have not been complied with, or (2) that the Federal Land Manager has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3)(ii)(*d*) of this paragraph.

(*c*) Any redesignation submitted pursuant to subdivision (v) of this subparagraph shall be approved unless he determines (*1*) that the requirements of subdivision (v) of this subparagraph have not been complied with, or (2) that the Indian Governing Body has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3)(ii)(*d*) of this paragraph.

(*d*) Any redesignation proposed pursuant to this paragraph shall be approved only after the Administrator has solicited written comments from affected Federal agencies and Indian Governing Bodies and from the public on the proposal.

(*e*) Any proposed redesignation protested to the proposing State, Indian Governing Body, or Federal Land Manager and to the Administrator by another State or Indian Governing Body because of the effects upon such protesting State or Indian Reservation shall be approved by the Administrator only if he determines that in his judgment the redesignation appropriately balances considerations of growth anticipated in the area proposed to be redesignated; the social, environmental and economic effects of such redesignation upon the area being redesignated and upon other areas and States; and any impacts upon regional or national interests.

(*f*) The requirements of paragraph (*c*)(3)(vi)(*a*)(3) that a State request and receive delegation of the new source review requirements of this section as a condition to approval of a proposed redesignation, shall include as a minimum receiving the administrative and technical functions of the new source review. The Administrator will carry out any required enforcement action in cases where the State does not have adequate legal authority to initiate such actions. The Administrator may waive the requirements of paragraph (c)(3)(vi)(*a*)(3) if the State Attorney-General has determined that the State cannot accept delegation of the administrative/technical functions.

[40 FR 25004, June 12, 1975]

(vii) If the Administrator disapproves any proposed area designation under this subparagraph, the State, Federal Land Manager or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the Administrator or reconsidering any area designation determined by the Administrator to be arbitrary and capricious.

(*d*) *Review of new sources.* (1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the requirements of this paragraph apply to any new or modified stationary source of the type identified below which has not commenced construction or modification prior to June 1, 1975, except as specifically provided below. A source which is modified, but does not increase the amount of sulfur oxides or particulate matter emitted, or is modified to utilize an alternative fuel, or higher sulfur content fuel, shall not be subject to this paragraph.

[40 FR 25004, June 12, 1975]

(i) Fossil-Fuel Steam Electric Plants of more than 1000 million B.T.U. per hour heat input.

(ii) Coal Cleaning Plants.

(iii) Kraft Pulp Mills.

(iv) Portland Cement Plants.

(v) Primary Zinc Smelters.

(vi) Iron and Steel Mills.

(vii) Primary Aluminum Ore Reduction Plants.

(viii) Primary Copper Smelters.

(ix) Municipal Incinerators capable of charging more than 250 tons of refuse per 24 hour day.

(x) Sulfuric Acid Plants.

(xi) Petroleum Refineries.

(xii) Lime Plants.

(xiii) Phosphate Rock Processing Plants.

(xiv) By-Product Coke Oven Batteries.

(xv) Sulfur Recovery Plants.

(xvi) Carbon Black Plants (furnace process).

(xvii) Primary Lead Smelters.

(xviii) Fuel Conversion Plants.

(xix) Ferroalloy production facilities commencing construction after October 5, 1975.

[40 FR 42010, September 10, 1975]

(2) No owner or operator shall commence construction or modification of a source subject to this paragraph unless the Administrator determines that, on the basis of information submitted pursuant to subparagraph (3) of this paragraph:

(i) The effect on air quality concentration of the source or modified source, in conjunction with the effects of growth and reduction in emissions after January 1, 1975, of other sources in the area affected by the proposed source, will not violate the air quality increments applicable in the area where the source will be located nor the air quality increments applicable in any other areas. The analysis of emissions growth and reduction after January 1, 1975, of other sources in the areas affected by the proposed source shall include all new and modified sources granted approval to construct pursuant to this paragraph; reduction in emissions from existing sources which contributed to air quality during all or part of 1974; and general commercial, residential, industrial, and other sources of emissions growth not exempted by paragraph (c)(2)(iii) of this section which has occurred since January 1, 1975.

[40 FR 25004, June 12, 1975]

(ii) The new or modified source will meet an emission limit, to be specified by the Administrator as a condition to approval, which represents that level of emission reduction which would be achieved by the application of best available control technology, as defined in § 52.01(*f*), for particulate matter and sulfur dioxide. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design or equipment standard requiring the application of best available control technology. Such standard shall to the degree possible set forth the emission reductions achievable by implementation of such design or equipment, and shall provide for compliance by means which achieve equivalent results.

(iii) With respect to modified sources, the requirements of subparagraph (2)(ii) of this paragraph shall be applicable only to the facility or facilities from which emissions are increased.

(3) In making the determinations required by paragraph (d)(2) of this section, the Administrator shall, as a minimum, require the owner or operator of the source subject to this paragraph to submit: site information; plans, description, specifications, and drawings showing the design of the source; information necessary to determine the impact that the construction or modification will have on sulfur dioxide and particulate matter air quality levels; and any other information necessary to determine that best available control technology will be applied. Upon request of the Administrator, the owner or operator of the source shall also provide information on the nature and extent of general commercial, residential, industrial, and other growth which has occurred in the area affected by the source's emissions (such area to be specified by the Administrator) since January 1, 1975.

[40 FR25004, June 12, 1975]

(4)(i) Where a new or modified source is located on Federal lands, such source shall be subject to the procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be in addition to applicable procedures conducted by the Federal Land Manager for administration and protection of the affected Federal Lands. Where feasible, the Administrator will coordinate his review and hearings with the Federal Land Manager to avoid duplicate administrative procedures.

(ii) New or modified sources which are located on Indian Reservations shall be subject to procedures set forth in paragraphs (d) and (e) of this section.

Such procedures shall be administered by the Administrator in cooperation with the Secretary of the Interior with respect to lands over which the State has not assumed jurisdiction under other laws.

(iii) Whenever any new or modified source is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this paragraph shall be coordinated with the broad environmental reviews under that Act, to the maximum extent feasible and reasonable.

[40 FR 25004, June 12, 1975]

(5) Where an owner or operator has applied for permission to construct or modify pursuant to this paragraph and the proposed source would be located in an area which has been proposed for redesignation to a more stringent class (or the State, Indian Governing Body, or Federal Land Manager has announced such consideration), approval shall not be granted until the Administrator has acted on the proposed redesignation.

(e) *Procedures for public participation.* (1) (i) Within 20 days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (e) (1) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(*a*) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(*b*) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(*c*) Notify the public, by prominent advertisement in newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the locations where the source will be situated as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and any State, Federal Land Manager or Indian Governing Body whose lands will be significantly affected by the source's emissions.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (e) (1) (ii), (iv), or (v) of this section by no more than 30 days or such other period as agreed to by the applicant and the Administrator.

[40 FR25004, June 12, 1975]

(2) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification after June 1, 1975, without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(3) Approval to construct or modify shall become invalid if construction or expansion is not commenced within 18 months after receipt of such approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified.

(4) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable State Implementation Plan.

(f) *Delegation of authority.* (1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to paragraphs (d) and (e), in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State and local air pollution control agency prior to making any determination required by paragraph (d) of this section. Similarly, where the agency designated does not have continuing responsibilities for managing land use, such agency shall consult with the appropriate State and local agency which is primarily responsible for managing land use prior to making any determination required by paragraph (d) of this section.

[40 FR 25004, June 12, 1975]

(ii) A copy of the notice pursuant to paragraph (e) (1) (ii) (c) of this section shall be sent to the Administrator through the appropriate regional office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to a designated State or local agency's procedures developed pursuant to paragraphs (d) and (e) of this section.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are located on Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with subparagraphs (2), (3), and (4) of this paragraph.

[39 FR 42510, December 5, 1974]

### § 52.22 Maintenance of national standards.

(a) Subsequent to January 31, 1973, the Administrator reviewed again State implementation plan provisions for insuring the maintenance of the national standards. The review indicates that State plans generally do not contain regulations or procedures which adequately address this problem. Accordingly, all State plans are disapproved with respect to maintenance because such plans do not meet the requirements of § 51.12(g) of this chapter. The disapproval applies to all States listed in Subparts B through DDD of this part. Nothing in this section shall invalidate or otherwise affect the obligations of States, emission sources, or other persons with respect to all portions of plans approved or promulgated under this part.

[40 FR 40160, September 2, 1975]


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[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 811-4]

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

1977 Clean Air Act Amendments To Prevent Significant Deterioration

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Clean Air Act Amendments of 1977 (Pub. L. 95-95), enacted August 7 of this year, made certain immediate changes to the Environmental Protection Agency's regulations concerning the prevention of significant deterioration of air quality. These regulations establish a scheme for protecting areas with air quality cleaner than minimum national standards. This rulemaking incorporates into EPA's regulations the immediately effective changes required by the 1977 Amendments. These changes generally impose more stringent requirements for pollution sources seeking to construct or modify in clean air areas.

EFFECTIVE DATE: August 7, 1977 (date of enactment of Pub. L. 95-95).

FOR FURTHER INFORMATION CONTACT:

Darryl D. Tyler, Chief, Standards Implementation Branch (MD-15), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, 919-541-5425.

SUPPLEMENTARY INFORMATION:

PRE-1977 AMENDMENTS

In 1974, EPA issued regulations under the 1970 version of the Clean Air Act (Pub. L. 91-604) for the prevention of significant air quality deterioration (PSD). These regulations, codified at 40 CFR 52.21, established a scheme for protecting areas with air quality cleaner than the national ambient air quality standards (NAAQS).

Under EPA's regulatory scheme, clean areas of the nation could be designated under any of three "Classes." Specified numerical "increments" of net air pollution increases were permitted under each Class up to a level considered to be "significant" for that area. Class I increments permitted only minor air quality deterioration; Class II increments permitted moderate deterioration; Class III increments permitted deterioration up to the NAAQS.

EPA initially designated all clean areas of the nation as Class II. States, Indian tribes, and officials having control over Federal lands (Federal Land Managers) were given authority to redesignate their lands to Class I or III status under specified procedures.

This area classification scheme was administered and enforced through a preconstruction and premodification permit program for nineteen specified types of stationary air pollution sources. No such air pollution source could begin construction or modification unless EPA (or a State) had found that the source's emissions would not exceed the numerical "increments" for the applicable Class and that the source would use best available control technology (BACT). The permit program applied to sources which had not "commenced construction," as defined in the regulation, by June 1, 1975.

1977 AMENDMENTS

On August 7, 1977, the Clean Air Act Amendments of 1977 became law. The 1977 Amendments changed the 1970 Act and EPA's regulations in many respects, particularly with regard to PSD. The Amendments add new Section 160-169 to the Act, which set forth new PSD requirements.

The new statutory scheme, which is generally more comprehensive and restrictive than EPA's regulatory scheme, will not be fully effective until the States and/or EPA undertake further rulemaking activity (described below). New Section 168 provides, however, that EPA's current regulations must be considered immediately superseded in certain respects. The purpose of this rulemaking action is to amend EPA's PSD regulations (40 CFR 52.21) to comply with new Section 168. Since these changes are mandated by statute to be effective as of August 7, 1977 (date of enactment of 1977 Amendments), the Administrator finds that it would be unnecessary and impracticable to propose these changes for public comment before making them administratively final. Nevertheless, EPA will consider comments submitted on these changes along with the comments submitted on the related proposals appearing in today's FEDERAL REGISTER at pages 57471 and 57479.

Section 168 provides that EPA's regulations shall be deemed immediately amended to conform to the following new statutory provisions: § 163(a) (new Class I areas); § 163(b) (more restrictive "increments"); and § 164(a) (exclusion of certain areas from Class III consideration and more restrictive procedures for redesignating to Class III). The appropriate regulatory changes are explained below.

It is important to note that Section 168 expressly provides that only sources which "commenced" construction under the new statutory definition (contained in Section 169(2)) before August 7, 1977 are exempt from the immediately effective changes. Therefore, even sources which received PSD permits from EPA prior to August 7 must be reexamined in light of the new immediately effective requirements if construction did not commence before that date. Because of this requirement, and because Section 168 also provides that sources commencing construction in accordance with the new statutory definition after June 1, 1975 and before August 7, 1977 must be reviewed under EPA's regulations in effect prior to the 1977 Amendments, it is necessary to amend immediately effective EPA's old definition of "commence" to conform to the new statutory definition in this rulemaking action. The definition of "commenced" is discussed further in the preamble to the proposed amendments to 40 CFR 52.21 referenced below.

Although Section 168 makes only limited immediately effective changes to EPA's regulations, much more comprehensive changes are required in the future. EPA is accordingly proposing regulations elsewhere in today's FEDERAL REGISTER to provide a frame work for the transition. As explained in more detail in the referenced proposal notices, EPA is proposing (1) to amend its own PSD regulation (40 CFR 52.21) to incorporate many of the new statutory requirements; and (2) to amend its regulations at 40 CFR Part 51 to provide the necessary guidance for States to amend their implementation plans in full compliance with the new statutory requirements.

After considering public comments, EPA intends for both sets of proposed regulations to be promulgated in final form no later than March 1, 1978, and for the new revision of 40 CFR 52.21 to be effective for sources which have not obtained final PSD permit approvals by March 1, 1978. Even a source which could obtain a final permit by March 1, 1978, must be reviewed in accordance with the new rules to be issued in March if it will commence construction on or after December 1, 1978. (See discussion in preamble to proposed amendments to 40 CFR 52.21 in today's FEDERAL REGISTER.) It would therefore make little sense for a source which does not plan to commence construction until December 1978, to obtain a permit pursuant to 40 CFR 52.21 as amended today, for the more stringent substantive and procedural requirements proposed elsewhere in today's FEDERAL REGISTER would apply to such a source. Similarly, it would make little sense for a Federal land manager to initiate a Class redesignation process, for the authority of Federal land managers to do so will soon be withdrawn in accordance with the provisions of the 1977 Amendments.

MANDATORY CLASS I AREAS

New Section 162(a) of the Act automatically classifies certain areas as Class I, thus subject to the most stringent restraints on air quality deterioration. These areas include all international parks, all national wilderness areas which exceed 5,000 acres in size, all national memorial parks which exceed 5,000 acres in size, and all national parks which exceed 6,000 acres in size. This designation applies only to areas which were in existence on the date of enactment of the new amendments. These areas may not be redesignated. A list of these areas is given at the end of this "Supplementary Information" section.

AMBIENT INCREMENTS AND CEILINGS

New Section 163(b) sets forth immediately effective ambient air increments

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for particulate matter and sulfur dioxide in Class I, Class II, and Class III areas. Also immediately effective is the Section 163(b)(4) requirement that each NAAQS (not just particulate matter and sulfur dioxide) shall act as an overriding ceiling to any otherwise allowable increment. New Section 163(a) provides that for any period other than an annual period, the applicable increment may be exceeded during one such period per year at a given site. While Section 168 does not specify that Section 163(a) is immediately effective, in EPA's judgment this section is so integral to the provisions of Section 167(1) that it must be considered immediately effective also.

### Baseline

Since Section 163 specifies that increments are related to "baseline concentration," the existing definition of that term contained in Section 169(4)) must be made immediately effective. Additional interpretation of this definition appears to be necessary, and is addressed in the proposed changes to 40 CFR 52.21 elsewhere in today's FEDERAL REGISTER. Where questions of interpretation arise in the interim, the Administrator intends to use the approach outlined in the proposal.

As a result of the new definition of "baseline concentration," § 52.21(c)(2)(iii) must be revoked. This provision indicated that sources which had been granted approval prior to January 1, 1975 (pursuant to the new source review procedures in the plan), but which were not yet operating prior to January 1, 1975, did not count against the increments. The baseline definition changes this by specifying that a source must have commenced construction (as defined in the Act) prior to January 6, 1975, in order to not be counted against the increments.

### Tall Stacks

New Section 123 of the Act limits credit for stack height to good engineering practice (GEP), which is defined as that height necessary to avoid atmospheric downwash, wakes and eddies. It indicates that GEP should generally not exceed two and one-half times the height of the source (subject to exemption based on appropriate showing by the source). EPA is required to issue regulations within six months to implement Section 123. Until these regulations are issued, credit for stack height according to the "two and one-half times" rule will be acceptable, unless the source can justify a higher stack.

EPA must re-examine any previous PSD approval which was based on a stack height which exceeded GEP (two and one-half times the height of the source), if the source did not commence construction before August 7, 1977. Any subsequent PSD reviews will have to be based on a GEP stack height for the applicant as well as for any sources which have received previous PSD approval. That is, if any increment would have been violated had all sources been limited to GEP stack heights, no additional sources would be allowed to locate in that area.

### Class III Reclassifications

Another immediately effective change involves three provisions concerning the redesignation of areas to Class III. First, pursuant to Section 164(a), certain areas can not be reclassified as a Class III area. These include: (1) an area which exceeds 10,000 acres in size and is a national monument, a national primitive area, a national preserve, a national recreation area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore, and (2) a national park or national wilderness area established after the date of enactment of the Act which exceeds 10,000 acres in size. Second, before any area may be redesignated to Class III, specific approval must be received from the Governor, after consultation with the legislature, and with the local governments representing a majority of the residents in the area which is to be redesignated. Finally, a Class III redesignation must not itself cause or contribute to concentrations of any air pollutant which exceed the maximum allowable increase in another area.

### Non-Attainment Areas

The sources subject to PSD review shall continue to be reviewed in both attainment and non-attainment areas regarding their long-range impact on an increment in any affected area. Also, best available control technology for SO2 and particulate matter (as defined in 40 CFR 52.21) shall still be required at any location. However, PSD sources are not subject to an ambient air review for PSD increments or NAAQS ceilings as regards the nonattainment area itself. In this regard, the Agency's "Emission Offset" Interpretative Ruling (40 FR 55534, December 21, 1976) shall continue to control the construction of sources which cause or contribute to air quality concentrations in excess of any national ambient air quality standard.

### List of Mandatory Class I Areas

The following listing identifies those Federal lands which are mandatory Class I areas established by the 1977 Clean Air Act Amendments. These lands may not be redesignated. Total acreage is shown for each area. States in parentheses indicate interstate park or wilderness areas; total acreage is listed for only one of the States involved.

#### National Parks Over 6,000 Acres

Alaska—Mount McKinley 1,939,493.
Arizona—Grand Canyon 1,175,913; Petrified Forest 93,493.
California—Kings Canyon 459,561; Lassen Volcanic 105,800; Redwood 27,702; Sequoia 296,643; Yosemite 759,172.
Colorado—Mesa Verde 61,483; Rocky Mountain 263,138.
Florida—Everglades 1,397,429.
Hawaii—Haleakala 27,208; Hawaii Volcanoes 217,029.
Idaho—Yellowstone (Wyoming).
Kentucky—Mammoth Cave 51,303.
Maine—Acadia 37,603.
Michigan—Isle Royale 542,426.
Minnesota—Voyageurs 114,661.
Montana—Glacier 1,012,599; Yellowstone (Wyoming).
New Mexico—Carlsbad Caverns 46,415.
North Carolina—Great Smoky Mountains (Tennessee).
Oregon—Crater Lake 160,290.
South Dakota—Wind Cave 28,060.
Tennessee—Great Smoky Mountains 514,757.
Texas—Big Bend 708,118; Guadalupe Mountains 76,292.
Utah—Arches 65,686; Bryce Canyon 36,832; Canyonlands 337,570; Capitol Reef 221,896; Zion 142,462.
Virgin Islands—Virgin Islands 12,295.
Virginia—Shenandoah 190,5[illegible].
Washington—Mount Rainier 235,239; North Cascades 503,277; Olympic 852,578.
Wyoming—Grand Teton 5[illegible]6,001; Yellowstone 2,219,737.

#### National Wilderness Areas Over 5,000 Acres

Alabama—Sipsey 12,646.
Alaska—Bering Sea 41,113; Simeof 25,141; Tuxedni 6,402.
Arizona—Chiricahua National Monument 9,440; Chiricahua 18,000; Galiuro 52,717; Mazatzal 205,137; Mt. Baldy 6,975; Pine Mountain 20,051; Saguaro 71,400; Sierra Ancha 20,850; Superstition 124,117; Sycamore Canyon 47,757.
Arkansas—Caney Creek 14,344; Upper Buffalo 9,912.
California—Agua Tibia 15,934; Caribou 19,080; Cucamonga 9,022; Desolation 63,602; Dome Land 62,206; Emigrant 104,511; Hoover 47,916; Joshua Tree 492,690; John Muir 484,673; Kaiser 22,500; Lava Beds 28,610; Marble Mountain 213,743; Minarets 109,481; Monkelumne 50,400, Pinnacles 12,952; Point Reyes 25,370; San Gabriel 36,137; San Gorgonio 34,644; San Jacinto 20,564; San Rafael 142,722; South Warner 63,507; Thousand Lakes 15,696; Ventana 85,152; Yolla-Bolly-Middle Eel 109,091.
Colorado—Black Canyon of the Gunnison 11,180; Eagle Mark 133,010; Flat Tops 235,230; Great Sand Dunes 33,450; La Garita 98,486; Maroon Bells—Snowmass 71,060; Mt. Zirkel 72,472; Rawah 25,674; Weminuche 400,907; West Elk 61,412.
Florida—Bradwell Bay 3[illegible]3,432; Chassahowitzka 23,360; Saint Marks 17,746.
Georgia—Cohutta 33,776; Okefenokee 343,850; Wolf Island 5,126.
Idaho—Craters of the Moon 43,243; Hells Canyon (Oregon) 193,549; Sawtooth 216,383; Selway-Bitterroot (Montana) 1,240,618.
Louisiana—Breton 5,000[illegible].
Maine—Moosehorn 7,501.
Michigan—Seney 25,150.
Minnesota—Boundary Waters-Canoe Area 747,610.
Missouri—Hercules-Glades 12,315; Mingo 6,000.
Montana—Anaconda-Pintlar 157,803; Bob Marshall 956,699; Cabinet Mountains 94,272; Gates of the Mountain 28,562; Medicine Lake 11,366; Mission Mountains 73,877; Red Rock Lakes 32,350; Scapegoat 239,295; Selway-Bitterroot-U.L. Bend 20,800.
Nevada—Jarbidge 64,667.
New Hampshire—Great Gulf 5,552; Presidential Range-Dry River 20,000.
New Jersey—Brigantine 6,603.
New Mexico—Bandelier 23,267; Bosque del Apache 30,850; Gila 433,690; Pecos 167,416; Salt Creek 8,500; San Pedro Parks 41,132; Wheeler Peak 6,027; White Mountain 31,171.
North Carolina—Joyce Kilmer-Slickrock 14,033; Linville Gorge 7,575; Shining Rock 13,350; Swanquarter 9,000.
North Dakota—Lostwood 5,577.
Oklahoma—Wichita Mountain 8,900.

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Oregon—Diamond Peak 36,637; Eagle Cap 293,476; Gearhart Mountain 10,770; Kalmiopsis 76,000; Mountain Lakes 23,071; Mount Hood 14,160; Mount Jefferson 100,298; Mount Washington 46,116; Strawberry Mountain 33,603; Three Sisters 199,902.
South Carolina—Cape Romain 28,060.
South Dakota—Badlands 64,250.
Tennessee—Joyce Kilmer-Slickrock (North Carolina).
Vermont—Lye Brook 12,430.
Virginia—James River Face 8,703.
Washington—Alpine Lakes 303,508; Glacier Peak 464,258; Goat Rocks 82,689; Mount Adams 32,356; Pasayten 565,524.
West Virginia—Dolly Sods 10,215; Otter Creek 20,000.
Wisconsin—Rainbow Lake 6,368.
Wyoming—Bridger 392,160; Fitzpatrick 191,-103; North Absaroka 351,101; Teton 557,-311; Washakie 696,584.

INTERNATIONAL PARKS

New Brunswick, Canada—Roosevelt-Campobello 2,721.

NATIONAL MEMORIAL PARKS

North Dakota—Theodore Roosevelt National Memorial Park 69,675.

Because the following regulatory amendments are nationally applicable, and this action is based upon determinations of nationwide scope and effect, new Section 307(b)(1) of the Act (as amended by Section 305(c) of Pub. L. 95-95) provides that judicial review may be sought only in the United States Court of Appeals for the District of Columbia. Petitions for judicial review must be filed on or before January 3, 1977.

(Sec. 110, 123, 160-169, 301(a), Clean Air Act as amended (42 U.S.C. 7410, 7423, 7470-7479, 7601(a)).)

Dated: October 31, 1977.

DOUGLAS M. COSTLE,
*Administrator.*

CFR Title 40, Part 52, Section 52.21 is amended as follows: In paragraph (b), subparagraph (7) is revised and new subparagraphs (8) and (9) are added; in paragraph (c)(2), subdivisions (i), (ii) and (iii) are revised, and new subdivision (iv) is added; and in paragraph (c)(3) subdivisions (i), (v)(a), and (vi)(a) are revised as follows:

§ 52.21 Significant deterioration of air quality.

* * * * * * *

(b) * * *

(7) "Commenced" as applied to construction of a stationary source means that the owner or operator has obtained all necessary preconstruction approvals or permits required by Federal, State, or local air pollution emissions and air quality laws or regulations and either has (i) begun, or caused to begin a continuous program of physical on-site construction of the source, or (ii) entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed within a reasonable time.

(8) "Necessary preconstruction approvals or permits" means those permits or approvals, required by the permitting authority as a precondition to undertaking any activity under subdivision (i) or (ii) of subparagraph (7) of this paragraph.

(9) "Baseline concentration" means, with respect to a pollutant, the ambient concentration levels which exist at the time of the first application for a permit in an area subject to this section, based on air quality data available in the Environmental Protection Agency or a State air pollution control agency and on such monitoring data as the permit applicant is required to submit. Such ambient concentration levels shall take into account all projected emissions in, or which may affect, such area from any stationary source on which construction commenced prior to January 6, 1975, but which has not begun operation by the date of the baseline air quality concentration determination. Emissions of sulfur oxides and particulate matter from any stationary source on which construction commenced after January 6, 1975, shall not be included in the baseline and shall be counted against the maximum allowable increases in pollutant concentration established under this part.

(c)(1) * * *

(2)(i) For purposes of this paragraph, areas designated as Class I, II, or III shall be limited to the following increases in pollutant concentration over baseline concentration, provided that for any period other than an annual period the applicable maximum allowable increase may be exceeded during one such period per year:

| | *Maximum allowable increase (in micrograms per cubic meter)* |
|---|---|
| Class I Pollutant: | |
| Particulate matter: | |
| Annual geometric mean | 5 |
| 24-h maximum | 10 |
| Sulfur dioxide: | |
| Annual arithmetic mean | 2 |
| 24-h maximum | 5 |
| 3-h maximum | 25 |
| Class II Pollutant: | |
| Particulate matter: | |
| Annual geometric mean | 19 |
| 24-h maximum | 37 |
| Sulfur dioxide: | |
| Annual arithmetic mean | 20 |
| 24-h maximum | 91 |
| 3-h maximum | 512 |
| Class III Pollutant: | |
| Particulate matter: | |
| Annual geometric mean | 37 |
| 24-h maximum | 75 |
| Sulfur dioxide: | |
| Annual arithmetic mean | 40 |
| 24-h maximum | 182 |
| 3-h maximum | 700 |

(ii) The maximum allowable concentration of any air pollutant in any area to which this section applies shall not exceed a concentration for such pollutant for each period of exposure equal to—

(a) The concentration permitted under the national secondary ambient air quality standard, or

(b) The concentration permitted under the national primary ambient air quality standard, whichever concentration is lowest for such pollutant for such period of exposure.

(iii) All the following areas which were in existence on August 7, 1977, shall be Class I areas and may not be redesignated:

(a) International parks,

(b) National wilderness areas which exceed 5,000 acres in size,

(c) National memorial parks which exceed 5,000 acres in size, and

(d) National parks which exceed 6,000 acres in size.

All areas which were redesignated as Class I under regulations promulgated before August 7, 1977, shall remain Class I, but may be redesignated as provided in this section.

(iv) The following areas may be redesignated only as Class I or II:

(a) An area which exceeds 10,000 acres in size and is a national monument, a national primitive area, a national preserve, a national recreation area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore, and

(b) A national park or national wilderness area established after the date of enactment of the Clean Air Act Amendments of 1977 (August 7, 1977), which exceeds 10,000 acres in size.

(3)(i) All areas (except as otherwise provided under paragraph (c)(2)(iii) of this section) are designated Class II as of December 5, 1974. Redesignation (except as otherwise precluded by paragraphs (c)(2)(iii) or (iv) of this section) may be proposed by the respective States, Federal Land Managers, or Indian Governing Bodies, as provided below, subject to approval by the Administrator. Any area (other than an area referred to in paragraph (c)(2)(iv) of this section or an area established as Class I under paragraph (c)(2)(iii) of this section) may be redesignated as Class III if—

(a) Such redesignation has been specifically approved by the Governor of the State, after consultation with the appropriate Committees of the legislature if it is in session or with the leadership of the legislature if it is not in session (unless State law provides that such redesignation must be specifically approved by State legislation) and if general purpose units of local government representing a majority of the residents of the area so redesignated enact legislation (including for such units of local government resolutions where appropriate) concurring in the State's redesignation;

(b) Such redesignation will not cause, or contribute to, concentrations of any such air pollutant which exceed any maximum allowable increase or maximum allowable concentrations permitted under the classification of any other area; and

(c) Such redesignation otherwise meets the requirements of this section.

* * * * * * *

(v) * * *

(a) The Indian Governing Body follows procedures equivalent to those required of States under paragraphs (c)(3)(i)(b) and (c)(3)(ii), and

* * * * * * *

BEST AVAILABLE COPY

(54)

(a). Any redesignation proposed pursuant to subdivisions (ii) and (iii) of this subparagraph shall be approved unless the Administrator determines (1) that the requirements of subdivisions (i), (ii), and (iii) of this subparagraph have not been complied with, (2) that the State has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3)(ii)(d) of this paragraph, or (3) that the State has not requested and received delegation of responsibility for carrying out the new source review requirements of paragraphs (d) and (e) of this section.

[FR Doc.77-31698 Filed 11-2-77;8:45 am]

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[6820-22]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

[FPMR Amdt. D-62]

PART 101-17—ASSIGNMENT AND UTILIZATION OF SPACE

Appeals Procedure

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation establishes a formal procedure through which an agency may appeal GSA regional office assignments of space including space allowances, measurements, classifications, layouts, delineated areas, recommended offers, and proposed relocations. In the past, the lack of such a procedure has resulted in the headquarters offices of GSA and the concerned agency being asked to intervene in a dispute before all regional avenues of solving the problem have been fully utilized. The intent of this regulation is to ensure that those persons most familiar with a case be primarily responsible for its resolution and that each step is exhausted before proceeding to the next higher level.

EFFECTIVE DATE: November 3, 1977.

FOR FURTHER INFORMATION CONTACT:

James G. Whitlock, Director, Space Management Division, Office of Space Planning and Management, Public Buildings Service, General Services Administration, Washington, D.C. 20405, 202-566-1875.

The table of contents for Part 101-17 is amended by the addition of the following new entries:

Sec.

| | |
|---|---|
| 101-17.104 | Reviews and appeals of space assignment actions. |
| 101-17.104-1 | Informal review. |
| 101-17.104-2 | Formal review. |
| 101-17.104-3 | Initial appeal. |
| 101-17.104-4 | Further appeals. |

Subpart 101-17.1—Assignment of Space

Section 101-17.104 is added as follows:

§ 101-17.104 Reviews and appeals of space assignment actions.

§ 101-17.104-1 Informal review.

Agencies may, at any time, request a regional review of space assignment actions without resorting to formal procedures. Space assignment actions include but are not limited to space allowances, measurements, classifications, layouts, delineated areas, recommended offers, and proposed relocations. Requests for an informal review shall be directed to the appropriate GSA regional office (see § 101-17.4901), which will furnish a written response if it is requested.

§ 101-17.104-2 Formal review.

A request for a formal review of a space assignment action shall initially be submitted to the appropriate GSA regional office by the agency official authorized to sign the Standard Form 81, Request for Space. A request for a formal review shall be in writing and shall include all pertinent information and supporting documentation. The GSA regional office will verify the data and perform additional investigation as necessary. The Regional Director, Space Management Division, will review all data and make a written determination. A copy of the decision will be sent to the requesting agency.

§ 101-17.104-3 Initial appeal.

Within 30 calendar days after receipt of the decision, the regional agency head (or his designee) may submit an appeal of that decision to the Regional Administrator, GSA.

(a) In the appeal the agency official shall state, in writing, the basis for the original request for formal review. Only information provided with that request will be considered. Any new or additional information or facts introduced at this level will require that the appeal undergo another formal review.

(b) Within 30 calendar days the Regional Administrator, GSA, will notify the agency of his decision. In cases requiring more detailed analysis than can be accomplished within 30 days, the Regional Administrator will notify the agency and establish a date on which his decision will be rendered.

§ 101-17.104-4 Further appeals.

(a) Within 30 calendar days after the agency has been notified of the Regional Administrator's decision, a further appeal may be filed by the agency head with the Administrator of General Services. Substantial justification should be furnished that the decision was arbitrary, capricious, or not supported by the evidence presented. The Administrator will render the agency's decision within 30 calendar days of receipt of the appeal.

(b) In the event of disagreement with the decision of the Administrator of General Services, the agency head may make, within 30 calendar days, a written request for review of the matter through the Director of the Office of Management and Budget to the President (Executive Order 11512).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

NOTE—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: October 20, 1977.

ROBERT T. GRIFFIN,
*Acting Administrator of General Services.*

[FR Doc.77-31896 Filed 11-2-77;8:45 am]

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[1505-01]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 31—GRANTS AND ALLOCATIONS FOR RECREATION AND CONSERVATION USE OF ABANDONED RAILROAD RIGHTS-OF-WAY

*Correction*

In FR Doc. 77-29630 appearing at page 54806 in the issue of Tuesday, October 11, 1977 on page 54808 third column § 31.11(a) should be corrected to read as follows:

§ 31.11 Project performance.

(a) *Acquisition Procedures.* All acquisition must conform to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, as set forth in the Bureau of Outdoor Recreation Manual, Part 645. Real Property must be appraised before the initiation of negotiations, and the property owner given a statement of just compensation for his property. In no event can the amount established as just compensation be less than the fair market value established by the approved appraisal.

PSD-FL-006

# METROPOLITAN DADE COUNTY • FLORIDA

911 COURTHOUSE
MIAMI, FLORIDA 33130
TEL: 579-5311

## OFFICE OF COUNTY MANAGER

April 3, 1978

Dept. Of Environmental Regulation
RECEIVED
APR 5 1978
OFFICE OF SECRETARY

Mr. Joseph W. Landers, Secretary
State Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32301

Dear Mr. Landers:

Attached for your information is the approval of the United States Environmental Protection Agency for authority to construct a Resource Recovery Facility in Dade County, Florida.

This is the final permit required for the subject project and is being forwarded to you for your files.

Sincerely,

Dennis I. Carter
Special Assistant

DIC:va
Attachment
cc: Mr. William Sweeney, Director
Division of Bond Finance
State Department of Administration
Mr. Colin Morrissey, Director
Environmental Resources Management

RECEIVED
APR 6 1978
Division of
Environmental Programs

APR 1978
RECEIVED
BUREAU
AQM

RECEIVED
APR 14 1978
SOLID WASTE
PLANNING

DEPARTMENT OF ENVIRONMENTAL REGULATION

# ROUTING AND TRANSMITTAL SLIP

ACTION NO.

ACTION DUE DATE

| 1. TO: (NAME, OFFICE, LOCATION) | INITIAL / DATE |
|---|---|
| [redacted] | |
| 2. [redacted] | INITIAL / DATE |
| 3. [redacted] | INITIAL / DATE |
| 4. | INITIAL / DATE |

REMARKS:

5, 13, 2

FYI

THIS APPEARS TO BE MORE IN YOUR AREA OF INTEREST.

PLEASE RETURN IF IT IS A DUPLICATE.

APR 1978
RECEIVED
BUREAU
AQM

| INFORMATION | |
|---|---|
| | REVIEW & RETURN |
| | REVIEW & FILE |
| | INITIAL & FORWARD |
| DISPOSITION | |
| | REVIEW & RESPOND |
| | PREPARE RESPONSE |
| | FOR MY SIGNATURE |
| | FOR YOUR SIGNATURE |
| | LET'S DISCUSS |
| | SET UP MEETING |
| | INVESTIGATE & REPT |
| | INITIAL & FORWARD |
| | DISTRIBUTE |
| | CONCURRENCE |
| | FOR PROCESSING |
| | INITIAL & RETURN |

FROM: REESE

DATE 4/19/78

PHONE 7-1150

PM
29 Sept. 1987
Arlington, VA

File Copy


# ENERGY AND ENVIRONMENTAL ANALYSIS, INC.

1655 NORTH FORT MYER DRIVE ARLINGTON, VIRGINIA 22209 703/528-1900


October 9, 1987

DER
OCT 12 1987
BAQM

Mr. Barry Andrews
Bureau of Air Quality Management
State of Florida Department of
Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32301

Dear Mr. Andrews:

Enclosed is a draft trip report on our visit to the Resource Recovery Plant on September 22. I apologize for the delay in sending it to you. We would appreciate your comments on this report and any additional information that you could provide.

We would like to thank you for your assistance and help in arranging the visits and for the data on plant emissions.

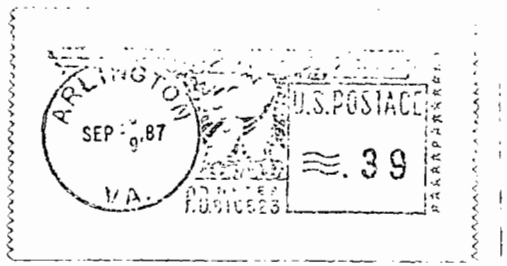
Sincerely,

Allan Taylor (for)

Viren Kothari

VK:kjw
Enclosure

Copied: Barry Andrews
Pradip Raval } 10/12/87 mr
CHF/BT




**ENERGY AND ENVIRONMENTAL ANALYSIS, INC.**
1655 NORTH FORT MYER DRIVE ARLINGTON, VIRGINIA 22209 703/528-1900

Mr. Barry Andrews
Bureau of Air Quality Management
State of Florida Department of
Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32301

10/12/87

~~CHB~~
~~BA~~ > FYI

Thanks,
CJ

**TRIP REPORT**
Visit to Miami Dade County RDF Plant

I. Combustor/Boiler Information

A. Site Information

1. Facility Name: Resource Recovery Plant
2. Address: Miami, Florida
3. Plant Contact: Mr. William A. Worrell, Chief Resource Recovery and Environmental Engineering
4. Phone Number: (305) 591-3534

B. Combustor Information

1. Facility Type: RDF Spreader Stoker
2. Number of Units: Four, three in operation at time of visit. All scheduled to be rebuilt.
3. Manufacturer: Boiler - Babcock & Wilcox, France, Grates - Detroit Stoker; to be replaced by Zurn

C. Operating Information

1. Operating Schedule: 24 hours/day, 7 days/week, 52 weeks/year
2. Waste Handling: Currently processing 12,000 tons/week; Burning 9,000 tons/week; equipment to be added
3. Power Production: Two 38.5 MW steam turbines; current generation - 50 MW

## II. SITE VISIT

### A. Background

On Tuesday, September 22, Viren Kothari and Robert Coleman of EEA and Barry Andrews of Florida DER were given a tour of the Miami Dade County RDF plant by Mr. William Worrell of Dade County and Mr. Charles Strong of Monternay Power Corp. who operates the plant for the county.

The RDF plant is a former Parsons-Brinheroff hydropulping facility which is in the process of being converted to RDF-3 (fluff RDF). The nominal capacity is about 3000 TPD but currently, due to renovation, the plant is able to shred only 12,000 tons per week and burns about 9,000 tons/week. Waste which can not be processed by the plant and the waste which is not burned is landfilled.

The renovations planned for the facility include the addition of additional shredder capacity and a complete rebuilding of the boilers. Current shredders have magnetic separation and glass/grit removal by means of an air knife. The new shredders will have these features and add trommel separation for small material.

The plant is receiving general municipal refuse with a heavier than normal contribution of lawn and tree clearing debris.

Electricity is produced at the plant and sold to Florida Power and Light at that company's avoided cost. Currently, the plant receives 2 to 4¢/Kwh for power. The rate fluctuates depending on the time of day.

### B. Physical Plant

The facility is situated on a large property with adjacent ash disposal areas. Because of the renovation in progress, trash delivery and storage

are not handled efficiently. The storage pit feeding the shredder line is not adequate to handle the volume entering the plant and on-ground storage is used.

The general plant layout and condition also reflects the previous attempts to produce an RDF fuel via the hydropulping process. Material flow and conveyors are not designed to minimize travel times and handling of the shredded fuel and the conveyor system has a large number of transfer points and is extremely long and complicated.

Overall, the current condition and appearance of the plant is less than desirable and should improve when the renovation is complete.

C. Combustion Equipment

The plant presently uses four Detroit Stoker RDF boilers. The boilers are an adaptation of Detroit Stoker's spreader stoker used to fire coal. The current boilers use about a 70% underfire and 30% overfire air split. However, the equipment is in such poor condition (e.g., inspection doors cannot be closed, visible holes in the boiler sides) that the actual split between under and overfire air cannot be determined. At present, the grates are giving at least 8% unburned carbon in the ash. This may be an optimistic estimate as observation indicated vigorous combustion at the ash dump end of the furnace. This would indicate that combustion was not complete when the ash was dumped.

The grates are designed with a residence time of about 15 minutes with half the RDF assumed to be burned in suspension. The primary control is based on keeping the furnace exit temperature less than 1600°F. Adjustments of underfire air are possible by manual adjustments at each boiler. Normal control is based on feed rate adjustment.

The boilers are being rebuilt. The boiler height will be increased seven feet and the grates replaced with Zurn traveling grates. Overfire air will be added as cold air rather than preheated air to increase turbulence and provide additional oxygen.

D. Pollution Control Equipment

Each furnace is controlled by an ESP. The ESP's were recently rebuilt to add a third field and replace the internals of the first two fields. The precipitators are wire and plate design. Problems with the two field precipitator were some wire breakage but more severe were problems with corrosion of the plates due to cold air leakage near the bottom of the precipitator. The old ESP's were in use only five years before corrosion became so severe they had to be replaced.

The plant is subject to the NSPS limit of 0.08 grains/dscfm. The plant was tested in January and after adjustments to rapping frequencies demonstrated an emission rate of 0.03 grains/dscfm at 50% excess air.

The plant continuously records opacity. During our visit, the monitor was reading between 8 and 10% opacity which matched our observation. At the beginning of our visit, a spike in opacity was observed and was recorded on the monitors. No data is available on other pollutants. The plant expects to test for dioxins when the boiler rebuild is complete.

E. Ash

Ash is handled wet and is landfilled on site. Old ash piles have been regenerated with sod.

F. Power Sales

With three boilers running, the plant produces about 50 MW of electricity for sale to FPL. The sale price is approximately 2¢/Kwh but varies during the day up to about 4¢/Kwh. After rebuilding, the plant will generate about 76MW.

G. Costs

The rebuilding of the plant to replace the boilers and add additional processing capacity will cost about $45 million. Boiler replacement alone will cost $17 million.

In south Florida, the cost of RDF is about three times the cost of landfill. The plant charges a tipping fee of $27/ton and a total cost of $40-50/ton including pickup and transport.

8/12/87
Atlanta, GA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET
ATLANTA, GEORGIA 30365

AUG 12 1987

DER

AUG 14 1987

BAQM

4APT-APB/eaw

Mr. Clair Fancy, Deputy Chief
Bureau of Air Quality Management
Florida Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Dear Mr. Fancy:

This is to confirm an August 5, 1987, telephone conversation between you and Mr. Wayne J. Aronson of my staff regarding his upcoming inspections of resource recovery facilities in the Tampa and Miami, Florida areas. The following schedule and list of facilities to be visited have been discussed with the appropriate local agency contacts:

August 24, 1987 - Pinellas County Resource Recovery Facility (RRF)
- McKay Bay RRF
- Hillsborough County RRF

August 25, 1987 - City of Lakeland
- Dade County RRF

August 26, 1987 - Palm Beach County RRF

If you have any questions regarding these upcoming inspections, please feel free to contact me or Wayne J. Aronson at (404) 347-2864.

Sincerely yours,

Bruce P. Miller

Bruce P. Miller, Chief
Air Programs Branch
Air, Pesticides, and Toxics
Management Division

cc: Mr. Iwan Choronenko
Hillsborough County Environmental
Protection Commission

Mr. Patrick Wong
Dade County Environmental
Planning Division

Mr. Peter Hessling
Pinellas County Department of
Environmental Management

Mr. E. J. Sacco
Palm Beach County Health Department

Copied: CHF/BT
Barry Andrews } 8/17/87

STATE OF FLORIDA

# DEPARTMENT OF ENVIRONMENTAL REGULATION

TWIN TOWERS OFFICE BUILDING
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

BOB MARTINEZ
GOVERNOR

DALE TWACHTMANN
SECRETARY

May 28, 1987

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. Edmund Frank Benson
Chairman
Anti-Pollution Committee
Costa Del Sol Association
One Costa Del Sol Blvd.
Miami, Florida 33178

33

Dear Mr. Benson:

This letter acknowledges the receipt of the postcards sent by you and the residents of Costa Del Sol to the Governor and to Secretary Twachtmann. The Department of Environmental Regulation ordinarily would respond to each of the commentors personally, but, due to the large number of postcards, we have decided to correspond to you as the Chairman of the Committee.

The EPA is addressing the issues that pertain to municipal solid waste (MSW) incineration, and is presently involved in studies which will determine which direction the EPA takes with regard to both new and existing incinerators.

Thank you for bringing your concerns about the Dade County Waste-To-Energy Facility to our attention. If you would like to have additional technical information on the subject of emissions from MSW incinerators, please write or call Barry Andrews with the Bureau of Air Quality Management at (904)488-1344, or Wayne Aronson with EPA Region IV in Atlanta at (404)347-2864.

Sincerely,

C. H. Fancy, P.E.
Deputy Bureau Chief
Bureau of Air Quality
Management

CF/BA/ss

cc: Tony Clemente, DERM

P 408 531 211

**RECEIPT FOR CERTIFIED MAIL**

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

*(See Reverse)*

| | |
|---|---|
| **Sent to**<br>Edmund Frank Benson<br>Costa Del Sol Association | |
| **P.O., State and ZIP Code**<br>One Costa Del Sol Blvd.<br>Maimi, Florida 33178 | |
| **Postage** | $ |
| **Certified Fee** | |
| **Special Delivery Fee** | |
| **Restricted Delivery Fee** | |
| **Return Receipt Showing to whom and Date Delivered** | |
| **Return Receipt Showing to whom, Date, and Address of Delivery** | |
| **TOTAL Postage and Fees** | $ |
| **Postmark or Date**<br>5/29/87<br>Dade County Waste-To-Energy | |

PS Form 3800, Feb. 1982

TWIN TOWERS OFFICE BUILDING
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32301

BOB GRAHAM
GOVERNOR

JACOB D. VARN
SECRETARY

STATE OF FLORIDA

# DEPARTMENT OF ENVIRONMENTAL REGULATION

September 4, 1979

Mr. Colin Morrissey
Director
Dade County Department of
Environmental Resources
Management
Brickell Plaza Building
909 S.E. First Avenue
Miami, Florida 33131

Dear Colin:

RE: Dade County Resource Recovery Facility

This is in response to your letter of August 31, 1979, concerning this Facility. In that letter you advised us that EPA has determined that condition 5 of the PSD Authority to Construct issued March 30, 1978 (effective February 27, 1978), and all of the requirements for approval under the EPA Offset Policy (41 Federal Register 55524 (1976)) will be satisfied when the County satisfied the two conditions set out in that letter. You have asked us to consider the impact of this determination on the construction permits and power plant certification which the Department has already issued and processed for this Facility, and upon the operating permits which will have to be issued when construction is completed.

You also asked us to consider the impact, on these permits and on the Power Plant Siting certification, of projected emissions from the Facility of nonmethane hydrocarbons (volatile organic compounds), nitrogen oxides, and carbon monoxide. You pointed out that although this information was not incorporated in the construction permit and power

original typed on 100% recycled paper

plant siting applications submitted for the Facility, it was never requested by the Department in its permit and siting application review. At the time these permits were processed in 1977, there were no specific emission limits on $NO_x$, hydrocarbons, or CO which would have been applicable to the Facility. Therefore, even though these could be considered "waste material generated" by the Facility (as set out in Department Rule 17-4.21(1)(c)) since the Department did not request that information then, and since there was no specific emission limit tied to these, the data does not need to be provided now.

Based on this fact and EPA's latest determination, as well as our own review of our files and of air quality data for Dade County, we have determined that the permits and certification identified in your letter are valid, notwithstanding the emissions noted above not being directly considered in the applications and processing.

Therefore, in response to your question concerning General Condition 1 of the Power Plant Siting Certification, we do not consider it necessary to revise that condition to respond to hydrocarbon, CO, or $NO_x$ emissions. However, since the Facility is the first of its kind and size in the country, you have assured us that when applications for operating permits are submitted, the county will provide emissions data on these three pollutants based on actual testing of emissions from the Facility. Once operating permits have been issued, emissions of those contaminants will not constitute a violation of the certification, and therefore there will be no need to report such emissions to the South Florida Subdistrict unless they exceed conditions set out in the operating permits.

We obviously are concerned with the current technical inability to perform dispersion modeling for reactive hydrocarbons as a means of providing reasonable assurance that the ozone ambient standard would not be exceeded in any of the nonattainment areas including Dade County. This (concern) is also true in connection with operating permits for the Dade County Resource Recovery Facility.

However, we believe that your satisfaction of EPA's requirements, as set out in John Little's letter of August 24, 1979, will meet that obligation. Beyond satisfying EPA, it will only be necessary for you to meet the conditions attached to each of your construction permits in order to entitle you to issuance of Department operating permits for the Facility. Since the Facility would be classified as

an "existing source" under Chapter 17-2, the provisions of sections 17-2.17 and 17-2.18 will have no applicability to issuance of operating permits.

If you have further questions on this, or if we may be of further assistance, please contact us.

Sincerely,

J. P. Subramani, Ph.D., P.E.
Chief, Bureau of Air Quality
Management

JPS:jr

cc: Mary Clark
Sherri Smallwood
Warren Strahm
Buck Oven

Meeting: (Title or subject(s) Discussed)
Resolution of VOC Question in case of Dade County Recovery Inc. Resource Permit

Date: August 8, 1979

Location: Bureau of Air Quality Management, Tallahassee

| Attendees: | Organization |
|---|---|
| Steve Smallwood | FDER/BAQM |
| Bill Thomas | FDER/BAQM |
| Mark Hodges | FDER/BAQM |
| Tony Sobrind | Dade Co. ERM |
| Kennard F. Kosky | ESE, Gainesville |
| Roger Schwenke | Carlton, Fields, Tampa |
| Parker Thompson | Paul and Thompson, Miami |
| Dean Kohlhepp | Resource Recovery, (Dade Co.) Inc. |

DEAN H. KOHLHEPP
PROJECT SUPPORT MANAGER

ESOURCES RECOVERY
ADE COUNTY)
CONSTRUCTION CORP.

800 DOUGLAS ENTRANCE
SUITE NO. 205
CORAL GABLES, FL 33134
305 - 448-1064

Proceedings:

The meeting was arranged to arrive at a resolution to the question regarding VOC's, item number 5 in EPA's letter - Pertinent portion of which is attached.

The following verbal agreements were made:

1. A review of present information would be made to determine if sufficient offset(s) and/or New Source Allowances for VOC's would be available for this new source.

2. A mutually agreeable (BAQM-Dade County) modification to the current application for construction shall be made, to satisfy the EPA requirement in item number 5 - pending approval by Dade County (Colin Morrisey).

3. If agreed, EPA will be notified of permit modification which will satisfy item number 5.

4. A letter would then go to Dade County formally designating the permit modification necessary, (No "Clocks", 30 and 90 day, etc., would be tolled, but 17.2 sequence of event would be followed).

5. If over 100 TPY VOC, Offsets, NSA must be verified for EPA, if over 50 TPY VOC the state has no difficulty with processing - LAER, however, must be implemented as per the existing Hemstead, New Jersey Facility.

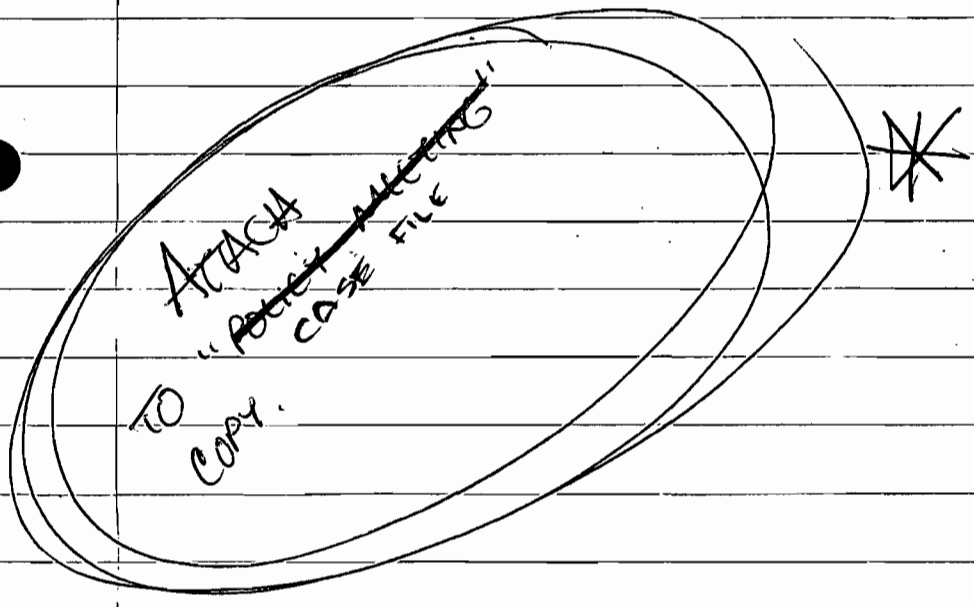
6. Post construction monitoring will be required.

Status:

Awaiting reply from Colin Morrisey

Dade Resource Recovery
Meeting (8-8-79)

| Individual | Organization |
|---|---|
| Steve Smallwood | FDER / BAQM |
| Tony Sobrino | Dade County-ERM |
| Kennard F. Kosky | ESE, Gainesville, FL. |
| Roger Schwenke | Carlton, Fields - Tampa Pl. |
| Parker Thompson | Paul & Thompson - Miami |
| Bill Thomas | FDER / BAQM |
| Dean Kohlhepp | Resources Recovery (Dade Co.) Inc |
| M.O. Hodges | FDER / BAQM |




(JWPCA) Aug 78 (ch. Dec 13146)
3 - 50 ppm THC

July 6, 1979

Mr. Parker Thomson
Paul and Thomson
1300 S.E. First National Bank Building
Miami, Florida 33131

Dear Parker:

This letter is in reference to non-methane hydrocarbon emissions from the proposed Dade County Resource Recovery Facility.

Environmental Science and Engineering, Inc. has performed an analysis of hydrocarbon emissions from the proposed facility. It is our professional opinion based upon available information that non-methane hydrocarbon emissions will be less than 100 tons/year. This opinion is based upon: (1) test results of total hydrocarbons from the Hemstead, New York, Resource Recovery Facility and (2) an assumption that approximately 50% hydrocarbon emissions are methane.

Attached please find a calculation sheet supporting our opinion. It must be recognized, however, that the proposed facility is the first of its kind in the country (all things considered). As a consequence, there is a paucity of information in this area. This limits to a degree the confidence limits of any emission estimate.

If you have any questions please contact me or David Buff.

Sincerely,

ENVIRONMENTAL SCIENCE AND ENGINEERING, INC.

Kennard F. Kosky, P.E.
Director, Air Science Division

KFK:ai

cc: Dean Kohlhepp

Enclosure

BEST AVAILABLE COPY



CALCULATION SHEET - HYDROCARBON EMISSIONS

DADE COUNTY RESOURCE RECOVERY FACILITY

Given Information: (Hemstead Test Information)

Total Hydrocarbon (average) = 47.8 ppm dry basis

Flow Rate (average) = 4,132,945 SCFH

Dade County Resource Recovery Source Information:

Flow Rate = 146,950 SCFM for 2 units

Total Flow = $146{,}950 \frac{ft.^3}{min.} \times 2 \times \frac{60\ min.}{hr.}$ = 17,634,000 SCFH

Emission Calculation:

Total Hydrocarbons = 48 ppm = 0.03139 $g/m^3$

HC Emissions = $17{,}634{,}000 \frac{ft.^3}{hr.} \times 0.03139 \frac{g}{m^3} \times 0.02832 \frac{m^3}{ft.^3} \times \frac{1\ lb}{454\ g}$ = 34.5 lb/hr.

Assuming 50% methane; non-methane HC 64.5 tons/year

Alternate Emission Calculation (based on tons of fuel input):

Hemstead Stack Test: Refuse burning rate (dry) = 66,304 lbs/hr.

Refuse burning rate = 130,000 lbs/hr. wet

Hydrocarbon emissions Hemstead Facility = $4{,}132{,}945 \frac{ft.^3}{hr.} \times 0.03139 \frac{g}{m^3} \times \frac{1\ lb.}{454\ g} \times 0.02832 \frac{m^3}{ft.^3}$ = 8.09 lb/hr.

HC Emissions per ton of fuel = $8.09 \frac{lb.}{hr.} \times \frac{hr.}{66{,}304\ lbs.} \times \frac{2000\ 1\ lb.}{ton}$ =

0.244 lb/ton

HC Emissions (Dade Co. Facility) = $72{,}000 \frac{lb.}{hr.} \times 4 \times 0.244 \frac{lb.}{ton} \times \frac{ton}{2000\ lbs.}$ =

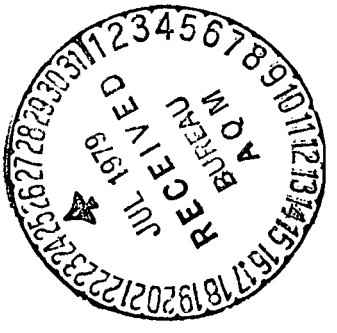
35.1 lbs./hr.

HC = 65.62 TONS/YEAR

PAUL & THOMSON
ATTORNEYS AT LAW
1300 SOUTHEAST FIRST NATIONAL BANK BUILDING
MIAMI, FLORIDA 33131

TELEPHONE AND TELECOPIER
(305) 371-2000
INTERNATIONAL TELEX
44-1201
CABLE: DPSP

July 23, 1979




Dr. J.P. Subramani
Chief
Bureau of Air Quality Management
Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32301

Dear Dr. Subramani:

Following up on Mr. Roger Schwenke's visit with you on Friday, the individuals to be contacted for additional information are:

1. Colin Morrissey
   Director
   Environmental Resources Management
   Dade County Florida
   909 Southeast First Avenue
   Miami, Florida 33131
   (305) 579-2760

2. Mr. Dean H. Kohlhepp
   Project Engineer
   Resources Recovery (Dade County), Inc.
   Post Office Box 524056
   Miami, Florida 33152
   (305) 592-2200

3. Mr. Kennard F. Kosky
   Environmental Science and Engineering, Inc.
   Post Office Box 13454
   University Station
   Gainesville, Florida 32604
   (904) 372-3318

Sincerely,

Parker Thomson

PDT:af

cc: Mr. Colin Morrissey
Mr. Dean H. Kohlhepp
Mr. Kennard F. Kosky
Mr. Roger Schwenke

PSD-FL-066

# METROPOLITAN DADE COUNTY • FLORIDA

911 COURTHOUSE
MIAMI, FLORIDA 33130
TEL: 579—5311

OFFICE OF COUNTY MANAGER

April 3, 1978

Dept. Of Environmental Regulation
RECEIVED
APR 5 1978
OFFICE OF SECRETARY

Mr. Joseph W. Landers, Secretary
State Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32301

Dear Mr. Landers:

Attached for your information is the approval of the United States Environmental Protection Agency for authority to construct a Resource Recovery Facility in Dade County, Florida.

This is the final permit required for the subject project and is being forwarded to you for your files.

Sincerely,

Dennis I. Carter
Special Assistant

DIC:va
Attachment
cc: Mr. William Sweeney, Director
Division of Bond Finance
State Department of Administration
Mr. Colin Morrissey, Director
Environmental Resources Management

RECEIVED
APR 6 1978
Division of
Environmental Programs

APR 1978
RECEIVED
BUREAU
AQM

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APR 14 1978
SOLID WASTE
PLANNING

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IV
345 COURTLAND STREET
ATLANTA, GEORGIA 30308

MAR 30 1978

Mr. Colin Morrissey, Director
Metropolitan Dade County
Environmental Resources Management
909 SE First Avenue
Brickell Plaza Building, Room 402
Miami, Florida 33131

Dear Mr. Morrisey:

Review of your October 10, 1977, application for authority to construct a resource recovery facility near Dade County, Florida has been completed. On the basis of this review we have determined that conditioned operation of the proposed plant at the specified location will not violate the Class I or Class II air quality increments specified in the EPA regulations for Prevention of Significant Deterioration (PSD). Furthermore, we have determined that this plant will meet the federal regulatory requirement under PSD, that Best Available Control Technology (BACT) be used to limit emissions of sulfur dioxide and particulate matter.

A request for public comment regarding the preliminary determination on the above application was published on January 16, 1978. However, no comments were received during the public comment period. Authority to Construct a Stationary Source is hereby issued for the facility described above, subject to the attached conditions. This Authority to Construct is based solely on the requirements of 40 CFR 52.21, the federal regulations governing significant deterioration of air quality. It does not apply to NPDES or other permits issued by this agency or permits issued by other agencies. Additionally, construction covered by this Authority to Construct must be initiated by December 1, 1978.

Please be advised that a violation of any condition issued as part of this approval, as well as any construction which proceeds in material variance with information submitted in your application, will be subject to enforcement action.

Authority to Construct will take effect on the date of this letter. The complete analysis which justifies this approval has been fully documented for future reference, if necessary. Any questions concerning this approval may be directed to Ray Cunningham, Chief, Air Strategy Development Section (404/881-3286).

Sincerely yours,

for John A. Little, Deputy

John C. White
Regional Administrator

Attachment

This Approval to Construct would be issued this date Feb. 27, 1978, but for the order entered in Environmental Defense Fund v. Environmental Protection Agency, No. 78-281 (D.D.C.) (entered on February ,1978).

John A. Little

1. Upon final review of the particulate control device specifications, if EPA finds that additional precipitator capacity needs to be installed to meet the applicable particulate emission limit specified in Condition 2, this additional precipitator capacity will be designed and constructed prior to startup. EPA will complete the preconstruction review for this facility within 60 days from receipt of the additional design information which the facility will submit by April 1, 1978.
2. The source must meet a particulate emission limit, as measured under Condition 4, of 0.08 grains per dry standard cubic foot corrected to 12 percent carbon dioxide. This limit is identical to that required by 40 CFR 60, Subpart E, Standards of Performance for New Stationary Sources.
3. Only low sulfur (0.8% or less) Number 2 fuel oil will be used for startup of the incinerators. Startup times may vary but will not exceed the following: 1) 12 hours at low fuel oil feed rate during "cold" start, or 2) 1 hour during a "hot" start.
4. Additionally, the applicant must comply with the following:
   a. Within 60 days after achieving the maximum production rate at which the source will be operated, but no later than 180 days after initial startup, the owner or operator shall conduct performance tests and furnish EPA a written report of the results of such performance tests.
   b. Performance tests shall be conducted and data reduced in accordance with methods and procedures specified by EPA. Reference methods 1 through 5 as published in Appendix A of 40 CFR 60 will be used for particulate tests.

c. Performance tests shall be conducted under such conditions as EPA shall specify based on representative performance of the source. The owner or operator shall make available to EPA such records as may be necessary to determine the conditions of the performance tests.

d. The owner or operator shall provide 30 days prior notice of the performance test to afford EPA the opportunity to have an observer present.

e. The owner or operator shall provide or cause to be provided, performance testing facilities as follows:

   1. Sampling ports adequate for test methods applicable to the source.

   2. Safe sampling platform(s).

   3. Safe access to sampling platform(s).

f. Each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified by EPA. For the purpose of determining compliance with an emission limitation, the arithmetic mean of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances

beyond the owner or operator's control, compliance may, upon the approval of EPA, be determined using the arithmetic mean of the other two runs.

5. The applicant must furnish to EPA evidence that the source emits less than 100 tons/year of hydrocarbons due to its location in a non-attainment area for oxidants, or must obtain legally enforceable offsets for the hydrocarbon emissions from this facility.