

*McGraw*

4APT-AEB

JUN 28 1995

MEMORANDUM

SUBJECT: Applicability of 40 C.F.R. Part 60, Subpart X  
(Standards of Performance for the Phosphate Fertilizer  
Industry: Granular Triple Superphosphate Storage  
Facilities)

FROM: Winston A. Smith, Director  
Air, Pesticides and Toxics  
Management Division

*Winston A. Smith*

TO: John Rasnic, Director  
Manufacturing, Energy and  
Transportation Division (2223A)  
Office of Enforcement and  
Compliance Assurance

Rick Colbert, Director  
Agriculture and Ecosystems  
Division (2225A)  
Office of Enforcement and  
Compliance Assurance

The purpose of this memorandum is to seek assistance with responding to the applicability determination requested in the attached letter that Region 4 received on June 19, 1995. In their letter, the IMC Agrico Company (IMC) is requesting a determination regarding applicability of Subpart X to their Big Bend distribution facility located near Tampa, Florida. Granular triple superphosphate (GTSP) produced at two IMC facilities in Polk County, Florida is stored at this terminal prior to distribution, and the production facilities are located approximately 30 to 50 miles from the distribution terminal.

After reviewing all relevant information, Region 4 believes that GTSP storage at the Big Bend terminal is subject to Subpart X. The Region is asking for a determination from your office, however, because IMC has reviewed the same materials as Region 4 and has arrived at a different conclusion regarding applicability. Listed below are the reasons Region 4 believes that the IMC terminal in Tampa is subject to Subpart X:

1. On August 11, 1977, the U.S. Environmental Protection Agency (EPA) issued a determination (summary attached) indicating that GTSP storage facilities do not have to be located at manufacturing facilities in order to be subject to Subpart X. The basis for this determination

is that the definition of GTSP storage facility in 40 C.F.R. §60.241(a) (i.e., any facility curing or storing granular triple superphosphate) does not state that storage facilities must be located at manufacturing facilities in order to be subject to Subpart X. Since IMC stores GTSP at the Big Bend terminal, the facility appears to be a storage facility as defined in 40 C.F.R. §60.241(a).

2. According to information provided to Mr. David McNeal of my staff by IMC via telephone on June 19, 1995, some GTSP stored at the Big Bend terminal is less than 10 days old. GTSP that is less than 10 days old is classified as fresh GTSP according to the definitions in 40 C.F.R. §60.241, and under the provisions of 40 C.F.R. §60.244(a) emission testing is required when the amount of GTSP stored is at least ten percent of building capacity and the proportion of fresh material is at least twenty percent of the total GTSP stored. Since the Big Bend facility has the potential to store GTSP in quantities that would require emission testing for an affected facility, it does not seem appropriate to consider the terminal exempt from Subpart X. Furthermore, even if IMC intended to store only GTSP that was more than ten days old at the Big Bend terminal, it might still be necessary to consider the facility subject to Subpart X in order to ensure the company maintains proper records to verify that emission testing is not required.

In their letter, IMC argues that Subpart X was intended to cover GTSP storage at manufacturing facilities and not distribution facilities. In order to support their position, the company referenced the background information document for proposal of Subpart X, and the material that IMC used to support their position is included with the attached request IMC sent to Region 4. The company is also aware of the August 11, 1977, EPA determination regarding applicability to storage facilities that are not located at manufacturing facilities.

Since the company is aware of the August 11, 1977, determination but still believes that the Big Bend facility is not subject to Subpart X, Region 4 requests that you review the information contained in this memo and provide us with an applicability determination. If you concur with our determination that the terminal is subject to Subpart X because it is currently used for storing fresh GTSP, please provide guidance regarding whether the determination would be any different if the facility were used only for storing GTSP that is more than ten days old.

Issuance of an air operating permit for the Big Bend terminal is being delayed pending resolution of Subpart X applicability questions. The current extension regarding issuance of the permit expires on July 10, 1995, and Region 4 would appreciate it if you could finalize a determination prior to this expiration date.

If you have any questions or need additional information, please contact Mr. David McNeal of my staff at 404/347-3555, extension 4158. If necessary, a determination can be faxed to Mr. McNeal at 404/347-3059.

#### Attachments

cc: Mr. Iwan Choronenko, Director  
Air Pollution Control Division  
Hillsborough County Environmental  
Protection Commission  
1410 North 21st Street  
Tampa, Florida 33605

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Attachments

cc: Mr. Iwan Choronenko, Director  
Air Pollution Control Division  
Hillsborough County Environmental  
Protection Commission  
1410 North 21st Street  
Tampa, Florida 33605

bcc: Sharon Porter  
Sally Mitoff, OECA (2223A)  
Stephen Howie, OECA (2225A)

D.MCNEAL/bmg:4APT-AEB/vmx4158:06-20-95:IMC-1.WP5  
10.9.10

CONCURRENCES			
MCNEAL	BEALS	GRUBBS	LOVETT
DHM 6/20/95	<i>[Signature]</i>	<i>[Signature]</i> 6/20/95	<i>[Signature]</i>
HARPER	FOX	MILLER	SMITH
<i>[Signature]</i> 6/20/95	<i>[Signature]</i> 6/20/95	X	<i>[Signature]</i> 6/20/95