

September 28, 2001

< addressee >

RE: VISTAS BART Information Request

Dear :

Introduction

Under the Clean Air Act, states and tribes must evaluate certain older, large emission units and determine whether these units require the installation of the best emission controls available as part of strategies for meeting the goals of the regional haze program. This requirement, known as the Best Available Retrofit Technology (BART) requirement, applies to emission units built roughly between 1962 and 1977 that, individually or in combination with other such units, have the potential to emit 250 tons per year or more of any visibility-impairing pollutant. The applicable pollutants are: ammonia, nitrogen oxides (NO_x), particulate matter (PM₁₀), sulfur dioxide (SO₂) and volatile organic compounds (VOCs). Affected emission units must fall into one of 26 source categories, including steam electric plants and industrial boilers, and large industrial plants such as pulp mills, refineries and smelters. (Please see Attachment I.)

The Visibility Improvement - State and Tribal Association of the Southeast (VISTAS) requests that each member state and tribe¹ provide a list of all stationary sources having emission units that fall into one of the 26 named source categories and that collectively have the potential to emit 250 tons per year or more of any visibility-impairing pollutant. From this complete list of potential BART sources, we will begin the process of identifying "BART-eligible" sources pursuant to section 169A of the Clean Air Act and the U.S. Environmental Protection Agency's (EPA's) proposed BART rule². If a state or tribe has information readily available in its files or database from which it can make a preliminary identification of those sources on the list which are BART-eligible (i.e., those that were in existence on August 7, 1977, and had begun operation after August 7, 1962), as well as those which otherwise meet the BART emissions and source-category criteria but either began operation before the mandatory period (prior to August 7, 1962, "pre-BART") or commenced construction after the BART period (after August 7, 1977, "post-BART")³, the state or tribe should go ahead and make these preliminary determinations. We are requesting that these data be compiled in spreadsheet format and submitted to the VISTAS Planning Workgroup no later than January 1, 2002. Instructions for submitting the data to the Planning Workgroup will be provided later.

¹ Under the VISTAS bylaws, the Eastern Band of the Cherokee Nation is the only federally recognized tribe in our planning region that currently meets the membership criteria.

² "Proposed Guidelines for Best Available Retrofit Technology (BART) Determinations Under the Regional Haze Regulations," Federal Register Vol. 66, No. 140, starting at pg. 38108 [available at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2001_register&docid=01-18094-filed.pdf]

³ Having commenced construction on or before August 7, 1977, BART-eligible sources were in existence prior to the Prevention of Significant Deterioration (PSD) permitting requirements of the 1977 Clean Air Act Amendments.

It should be understood that this request is just the first step in a process that may take several months and contractor assistance to complete. This first step will generate a large list of sources from which the BART-eligible sources will ultimately be extracted. VISTAS does not expect any state or tribe to conduct a source survey or otherwise undertake work at this time that can best be contracted out. We understand that some states may not have the ability in this first phase to identify definitively any BART-eligible sources. It would be helpful, however, if each state and tribe would do its best to identify the complete set of stationary sources from which its BART-eligible sources can later be identified.

Background

Under the 1999 regional haze rule, states/tribes are required to set periodic goals for improving visibility in the nation's 156 Class I natural areas. As they work to reach these goals, states/tribes must develop state or tribal implementation plans (SIPs/TIPs) that contain enforceable measures and control strategies for reducing visibility-impairing pollution. States/tribes participating in a regional planning process must submit initial "planning SIPs/TIPs" to the EPA in the 2004-2006 time period (i.e., no later than one year after the PM_{2.5} attainment/nonattainment designations are made). In their planning SIPs/TIPs, states/tribes must identify all BART-eligible sources.

The current regulatory schedule requires that states/tribes, by December 31, 2008, or earlier, submit regional haze SIPs/TIPs to the EPA containing, among other things, emission limitations representing BART and compliance schedules for all BART-eligible sources that reasonably may be anticipated to cause or contribute to visibility impairment in any mandatory Class I area. In their regional haze SIPs/TIPs, states/tribes must support their BART decisions or any alternative emission reduction programs that they may have developed as part of the regional planning process.

Suggested Methodology

The VISTAS BART task group has considered several options for identifying BART-eligible sources in our planning region, including contractor assistance. The group's recommendation is that our states and tribe make a preliminary assessment pursuant to the proposed federal rule, primarily based on Title V permitting information as well as other records that might be readily available and easily reviewed. The proposed EPA rule contains instructions for source identification in Section II, "*How to Identify BART-Eligible Sources.*" The three-step instructions suggest that states/tribes look at the dates of construction and operation of sources (step 2) before considering any emissions criteria (step 3). The task group believes that most states will be able to sort their data on emissions more easily than on the dates of construction and operation. (Determining these dates will likely require contractor assistance and/or source surveys to be conducted after this preliminary assessment.) Furthermore, when it comes time to look at potential control strategies, it may be helpful to have a list of all large emitters, not just those which fall into the 15-year BART-eligible window. Therefore, the task group recommends that the determination of construction/operation dates be moved to step 3 of the process and that the preliminary assessment include all sources otherwise meeting the BART emissions and source-category criteria.

It is expected that most electrical generating units and some specific, large industrial sources listed in the BART rule can be readily identified and separated into BART-eligible, pre-BART and post-BART categories by the states and tribe in the preliminary assessment process. This

would be considered “Phase I” of the BART assessment. The task group also recognizes that other source categories (e.g. chemical manufacturing, potential ammonia major sources, etc.) could be much more difficult to identify and categorize. Hence, it is expected that a Phase II supplemental BART assessment will require contractor assistance and/or source surveys. Finally, there are outstanding issues in the proposed rule, and potential revisions to the BART criteria could occur upon final promulgation. Therefore, Phase III of the BART assessment would make refinements to the previous assessments based upon any such differences. Obviously, this final determination cannot be completed until after the BART rule is finalized.

A BART-eligible source is that portion of a stationary source⁴ consisting of those emission units or processes that individually or in aggregate⁵:

- (1) have the potential to emit 250 tons per year or more of any visibility-impairing pollutant,
- (2) fall into any of the 26 source categories in the attached table, and
- (3) were in existence⁶ on August 7, 1977, and began operation after August 7, 1962.

Probably only a few of your state’s sources meet these criteria. For purposes of this preliminary assessment, please provide the following information.

For each stationary source having at least one emission unit, or aggregate group of emission units, meeting criteria (1) and (2) above, provide:

- Company/source name (e.g., Fla. Power & Light Co./Lauderdale Plant)
- County name or FIPS county code
- National Emissions Inventory (NEI) Site ID number (preferred) or appropriate state ID
- Two-digit Standard Industrial Classification (SIC) code applicable to the entire source

Within such stationary source, for each emission unit that meets criteria (1) and (2), individually or in combination with one or more other emission units, provide:

- NEI Emission Unit ID number (preferred) or appropriate state ID
- Emission unit description (e.g., Combustion Turbine #3)
- NEI Process Code, AIRS segment code or equivalent
- SCC Code

⁴ *Stationary source* means all of the pollutant emitting activities which belong to the same industrial grouping (i.e., have the same two-digit SIC code), are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). [40CFR51.301]

⁵ The potential emissions of all emission units falling within the 15-year BART window and within any of the 26 source categories (they don’t all have to be in the same category) must be aggregated for comparison to the 250-ton/year threshold. For the two source categories, fossil-fuel fired steam electric plants of 250 million Btu/hr heat input and fossil-fuel boilers (or combinations thereof) totaling more than 250 million Btu/hr heat input, the proposed rule (subject to change) requires that the maximum heat input rates of all individual emission units falling within the BART window first be aggregated for comparison to the 250-million Btu/hr threshold. For petroleum storage and transfer facilities, the capacities of all storage tanks falling within the BART window must first be aggregated for comparison to the 300,000-barrel threshold. The total potential emissions of these such units or tanks, along with all other emission units falling within the BART window and within any of the 26 source categories, must then be compared to the 250-ton/year threshold to determine BART eligibility. Note, in the final rule EPA may choose not to aggregate boilers on the basis of heat input rate but, instead, apply the 250-million Btu/hr threshold to individual fossil-fuel boilers. Therefore, all boilers should be listed individually for purposes of this preliminary assessment. (See proposed rule for more detail.)

⁶ *In existence* 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 (1) begun, or caused to begin, a continuous program of physical on-site construction of the facility or (2) 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 facility to be completed in a reasonable time. [40CFR51.301]

- Process description
- Maximum heat input rate (million Btu/hr), if the unit is a fossil-fuel boiler
- Source category (1-26)
- “In existence date,” or indication that such date \leq 8/7/77 (yes or no)
- “Began operation date,” or indication that such date $>$ 8/7/62 (yes or no)
- BART classification (*BART-eligible*, if above two dates are “yes/yes,” respectively; *pre-BART*, if “yes/no;” *post-BART*, if “no/yes”)

For each visibility-impairing pollutant emitted from such emission unit, provide:

- Potential emissions
- Actual emissions for most current year available

If you do not know the source category, date information, BART classification, or potential or actual emissions of a given emission unit at this time, but you cannot eliminate the unit from possible BART applicability either, please include such unit as part of this Phase I preliminary assessment, showing a question mark by any unknown item. It can then be further reviewed in Phase II.

It is preferred that the Phase I BART assessment be provided to the VISTAS Planning Workgroup in the Excel spreadsheet format described in Attachment II. However, we can accept other formats as long as the same information elements are provided. It is important that the information be as complete and accurate as practicable.

VISTAS and the BART task group also request that the states and tribe provide feedback on anticipated Phase II contractor assistance needs and recommendations for source survey(s). VISTAS has budgeted grant elements to help fund BART source identification. It would be helpful to identify specific contract deliverables, by state and tribe, to construct a future request for proposals.

Conclusion

BART-eligible source identification is a mandatory requirement under the Clean Air Act and the EPA Regional Haze rule. This Phase I preliminary assessment is an important step in meeting the requirement and should help the VISTAS jurisdictions in subsequent planning and SIP/TIP development. The BART task group strongly recommends that everyone working on this assessment carefully review Section II, “*How to Identify BART-Eligible Sources*,” of the proposed BART rule. Please relay any questions or concerns to Fred Durham. He can be reached at 304-926-3734 or by email at fdurham@mail.dep.state.wv.us. Thank you for your timely assistance.

Sincerely,

Diana Andrews
Chair, State & Tribal Air Directors (STAD)
VISTAS

Attachment I

Source Categories Eligible for BART:

1. Fossil-fuel fired steam electric plants of more than 250 million Btu/hr heat input
2. Coal cleaning plants (with thermal dryers)
3. Kraft pulp mills
4. Portland cement plants
5. Primary zinc smelters
6. Iron and steel mill plants
7. Primary aluminum ore reduction plants
8. Primary copper smelters
9. Municipal incinerators capable of charging more than 250 tons of refuse per day
10. Hydrofluoric, sulfuric, and nitric acid plants
11. Petroleum refineries
12. Lime plants
13. Phosphate rock processing plants
14. Coke oven batteries
15. Sulfur recovery plants
16. Carbon black plants (furnace plants)
17. Primary lead smelters
18. Fuel conversion plants
19. Sintering plants
20. Secondary metal production plants
21. Chemical process plants
22. Fossil-fuel boilers (or combinations thereof) totaling more than 250 million Btu/hr heat input
23. Petroleum storage and transfer facilities with a total storage capacity exceeding 300,000 barrels
24. Taconite ore processing facilities
25. Glass fiber processing plants
26. Charcoal production facilities

Attachment II
Preferred Data Format (See Excel Spreadsheet)