

October 31, 2014

US Environmental Protection Agency
EPA Docket Center (EPA/DC)
Mail Code 28221T
1200 Pennsylvania Ave., NW.
Washington, DC, 20460
Transmitted via email: a-and-r-docket@epa.gov
Attention: **Docket ID No. EPA-HQ-OAR-2010-0706**



Dear Sir or Madam,

The National Steering Committee for the national network of state Small Business Environmental Assistance and Small Business Ombudsman Programs thank you for the opportunity to comment on the proposed Standards of Performance for Grain Elevators, which were published in the *Federal Register* on July 9, 2014 in Docket ID No. **EPA-HQ-OAR-2010-0706**. The state Small Business Environmental Assistance and Small Business Ombudsman Programs (SBEAP/SBO) were created under s. 507 of the Clean Air Act Amendments of 1990. For over 20 years, the SBEAP/SBOs have provided extensive, hands-on assistance to small businesses to help them understand environmental regulations such as the New Source Performance Standards (NSPS), National Emissions Standards for Hazardous Air Pollutants (NESHAP), and numerous state-based standards.

The SBEAP/SBOs have submitted comments during the development of prior EPA rules, most notably many of the area source NESHAP standards that regulated many small businesses for the first time. The SBEAP/SBO network, through their Technical Subcommittee, stands ready to work with EPA to develop rules that small businesses can comply with and implementation tools and templates that will benefit all affected small businesses. Comments from the National Steering Committee on the proposed rule reflect the experience of SBEAP/SBOs with the efforts of small business to comply with such standards.

On behalf of the national SBEAP/SBO network, the NSC respectfully submits the following comments:

Preamble and Executive Summary

The summary states the proposed subpart DDa requirements reflect what well-controlled sources are doing within the grain elevator industry since the last review in 1984. That may be accurate from an equipment design standpoint, but subpart DDa imposes significant new requirements such as stack testing every five years, weekly visible emission checks, biannual baghouse inspections, opacity monitoring, reporting releases, etc. that the industry was never required to do. These have a significant financial impact on facility operations. It is difficult to understand EPA's rationale of proposing, after thirty years of regulatory silence, a new subpart to control an additional small amount of particulate emissions from an industry that EPA admits is already well-controlled. It appears the proposed subpart DDa attempts to codify current industry practices and satisfy a long overdue Section 111(b)(1)(B) review process.

We feel it would be better to amend Subpart DD to include the requirements for new sources rather than establishing a separate subpart DDa. Having one subpart is cleaner, avoids duplication, and makes it easier for the industry to comply with only one rule. In addition, it appears grain facilities may become subject to both subparts in the future due to the installation

of new equipment at existing facilities. We anticipate that new, whole facilities will not be constructed in the future. So it is unlikely there would be a facility subject entirely to subpart DDa, but there could be many facilities subject to both subparts. Having two similar but different subparts applying to the same facility will likely cause confusion for industry and for regulatory staff as well.

In addition, estimated emission reductions nationwide from the new subpart are only 31 tons/yr for PM10, which is almost insignificant. We would understand the reasoning for the proposed rule better if it regulated emissions of hazardous air pollutants, such as how NESHAP Subpart DDDDDDD regulates emissions from the animal feed manufacturing sector. It appears subpart DDa claims emission reductions are a result of increased monitoring and testing frequency requirements, not any additional controls or technological improvements.

Definitions and modifications

We suggest clarity be added to the definitions of modification and grain terminal elevator. Section 60.307a (common to Subpart DD as well) is helpful in specifying what physical changes are not considered to be modifications. However, modification exclusion paragraph - (b)(4) *the installation of permanent storage capacity with no increase in hourly grain handling capacity*- is confusing. Applicability of both subparts DD and DDa are based on permanent storage capacity of the facility. It seems logical that adding permanent storage capacity would be considered a modification to an existing facility, especially if it increases total permanent capacity above the 2.5 million bushel threshold and triggers the NSPS. The definitions and equations for permanent storage capacity mention nothing about hourly grain handling capacity. So, there is an apparent disconnect between what to call a building expansion (that increases permanent storage capacity) and what to call the addition of a second loading station (which increases the hourly loading rate but doesn't change the permanent storage capacity). We expect changes like this and the addition of a temporary storage facility will be the most common future scenarios at grain elevators. The rule should be clear about which equipment changes or building expansions trigger NSPS.

We appreciate the example provided in Section V of the Preamble for calculating the permanent storage capacity of a facility that adds a temporary storage facility. We suggest EPA provide a similar table of examples of facility additions, equipment switch-outs, etc. that trigger either subpart. Perhaps using the cost estimation scenarios from Table 4 as a basis will help facilities and regulatory staff understand what facility changes will trigger NSPS.

Opacity testing and visible emission readings (60.303a)

We suggest EPA consider adding Method 22 as an option for annual opacity readings and weekly visual emission readings, much like the options afforded to metal fabrication facilities subject to NESHAP Subpart XXXXXX. Method 9 imposes an additional burden on the facility because it implies readings must be conducted by a person certified in Method 9 observations, whereas Method 22 does not. This can also help assure the consistency and reliability of opacity/visible emissions observations, as many more personnel at the facility could perform this duty.

Weekly visual emission checks/biannual baghouse inspections (60.304a)

We suggest some additional detail be added to this section to specify what method(s) can be used for the weekly visual checks, and if these are intended to confirm compliance with the opacity limits specified in 60.302a. It's not clear what the facility is checking for - any visual

emissions, or only visual emissions that exceed opacity standards? We are not certain what “...take corrective action for positive visual emissions checks” means. It implies correcting a situation where visual emissions were found to be excessive, but in excess of what? For example, there could be a visible emission, but not something in excess of the specified opacity standard. Is that a “positive visual emission check”? Again, having the option of using Method 22 could be especially useful here since visual emissions could be documented weekly as a preventive maintenance measure and to assure equipment is working properly.

If only Method 9 is allowed, the cost of hiring an engineer or providing staff with opacity training will be a significant financial burden to facilities subject to the rule. For example, in order to conduct Method 9 opacity observations a facility will need to send either the owner/operator or other staff to a Visible Emissions classroom training at least once and field certification training once every six months. The costs for the VE training and field testing averages around \$400 per person, including one or two days away from the plant, each time.

In many of our states, permits have the source demonstrating compliance with opacity standards through the use of work practices, control devices and parametric monitoring while the compliance inspector uses Methods 22 or 9 to confirm evidence of non-compliance. If permitted sources in the states are not required to use these EPA Methods, the proposed area source rule should not be complicated by these extraneous requirements.

We also suggest detail be added to the 6-month fabric filter/baghouse inspection frequency to specify if the exterior of the baghouse or the whole inside and outside of the unit need to be inspected. The Preamble (Section V, FR page 39255) implies that the interior of the baghouse is to be inspected. This imposes an operational burden on the facility since it will involve complete shutdown, confined space entry, etc. and result in additional costs for the facilities to have this performed. As an alternative, we recommend modifying this section to specify that fabric filter/baghouse equipment be inspected according to the manufacturer’s specified maintenance intervals to ensure proper operation and the facility be required to have the manufacturer’s maintenance manual and inspection records available on site.

Because of potential explosive dust hazards, grain elevators are regulated by OSHA under 29 CFR 1910.272 Appendix A. The OSHA rules emphasize dust reduction and address preventive maintenance requirements for dust collectors, but do not specify an inspection frequency. We see the proposed NSPS baghouse inspection frequency requirement as duplicative and/or in conflict with the OSHA rules. We suggest EPA amend section 60.304a to reference or acknowledge the baghouse preventive maintenance program required under 29 CFR 1910.272 as an equivalent measure.

Recordkeeping (60.305a)

To improve clarity, we suggest rewording paragraph (a) from

“total storage capacity and annual throughput of grain (bushels) for each building, bin (excluding TSFs), and silo used to store grain.”

to

“total storage capacity for each building, bin (excluding TSFs), and silo used to store grain and the annual throughput of grain (bushels) for the facility for the previous five years.”

This will clarify that five year records of annual grain throughput for the overall facility is needed, and not separate annual throughputs for each bin, building and silo.

Paragraph (c) requires records of any event that causes an affected source to fail to meet an applicable standard, which includes a volume estimate of the resulting emissions. This requirement seems impractical and problematic for fugitive dust sources subject to opacity standards, whereby any emission estimate is likely to be unreliable. For example, a facility would have to quantify the emission difference between a truck loading station exhibiting 30 percent opacity and one exhibiting the 10 percent opacity standard during the time the 10 percent standard is exceeded. The SBEAP/SBOs know of no practical way to do this or any available emission factor that correlates the volume of emissions, i.e., pounds/hr, to opacity. In addition, paragraph (c) on its surface, implies continuous monitoring and vigilance on the part of the facility is needed to comply with this requirement. We question if continuous monitoring of operations was really EPA's intent of this requirement. This requirement seems more suited to periods of equipment malfunction.

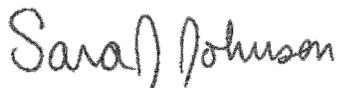
Paragraph (c) also requires records of 6-month baghouse inspections and weekly visual emissions checks which, as explained above, lack details about what these inspections and visual emission checks should entail. Industry and regulatory staff are left wondering if walk-bys and simple "Yes/No" documentation of these inspections/visual checks would be sufficient under the proposed rule.

Reporting (60.306a)

Similar to the above, we feel the requirements of paragraph (c), which require the reporting of any event that causes an affected source to fail to meet an applicable standard and an estimate of the resulting emissions, is impractical and problematic for fugitive dust sources at grain elevators. For reasons previously explained, any emission estimate is likely to be extremely unreliable. In addition, this paragraph contains no instructions for where to send these reports. This will likely cause confusion between affected facilities, state regulatory agencies, and EPA Regional Offices.

We appreciate the opportunity to comment on the proposed revisions to the New Source Performance Standards for Grain Elevators. If you need any additional information or clarification of our comments, please contact Rick Carleski, Co-Chair of the NSC Technical Subcommittee at (614) 728-1742 or richard.carleski@epa.ohio.gov.

Sincerely,



Sara Johnson, M.S.
Chair, National Steering Committee
NH Small Business Ombudsman



Tony Pendola, PE
Vice-Chair, National Steering Committee
NC Small Business Ombudsman

Cc: Joan Rogers, EPA/SBO
Brian Castro, SBA