



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: 0500032

Category: NSPS
EPA Office: Region 5
Date: 02/01/2005
Title: Use of Grain Storage Capacity to Determine Applicability
Recipient: Amy Litscher
Author: George Czerniak
Comments:

Subparts: Part 60, DD, Grain Elevators

References: 60.304(b)

Abstract:

Q1: Is tempered grain storage capacity counted towards total storage capacity for purposes of 40 CFR part 60, subpart DD?

A1: Yes. Dried corn, dropped into "tempering" bins, may fracture and break. However, if no chemical processing or milling has yet occurred, the tempering bins serve as additional storage prior to the germination step, and are included in the total storage capacity for purposes of NSPS subpart DD.

Q2: If storage capacity increases at the facility, but there is no increase to the hourly grain handling capacity, would a facility be exempt under 40 CFR 60.304(b)(4) of NSPS subpart DD?

A2: The modification exemption under 40 CFR 60.304(b)(4) applies to affected facilities at the plant that existed prior to the date that NSPS subpart DD applied. Therefore, this modification exemption does not apply to the affected facilities that were constructed at the time the grain storage capacity reached one million bushels or subsequent to that time.

Q3: Do silos need to be tested and equipped with baghouses under NSPS subpart DD?

A3: No. These are not requirements of NSPS subpart DD. However, applicable local and state requirements may apply.

Letter:

February 1, 2005

AE-17J

Ms. Amy Litscher
RSV Engineering, Inc.
112 South Main Street
P.O. Box 298
Jefferson, WI 53549-0298

Re: NSPS Applicability Determination, Didion Milling, Inc., Cambria, Wisconsin

Dear Ms. Litscher:

Thank you for your letter and subsequent information submittals of November 15, December 15, 2004 and January 28, 2005 requesting a determination as to the applicability of the New Source Performance Standards (NSPS) for grain elevators, at 40 C.F.R. Part 60, Subpart DD, to Didion Milling, a corn milling operation, located in Cambria, Wisconsin. Thank you for also meeting with us on November 17, 2004 to provide additional information. Based on the information provided, it is the United States Environmental Protection Agency's (USEPA) determination that the NSPS for grain elevators applies to the Didion Milling facility.

The NSPS regulates the handling of unprocessed grain, and controls particulate matter emissions from grain handling processes. The provisions of Subpart DD apply to each affected facility at any grain terminal elevator or any grain storage elevator. Grain storage elevator means any grain elevator located at, among other things, any dry corn mill which has a permanent grain storage capacity of 1 million bushels. As discussed in the Standards Support and Environmental Impact Statement Volume 1: Proposed Standards of Performance for Grain Elevator Industry, facilities affected by the NSPS include: truck unloading and loading, barge or ship loading and unloading operations, railroad loading and unloading operations, grain dryers, and grain handling operations, which include scale hoppers, surge bins, garners, turn heads, scalpings, cleaners, trippers, headhouse, and other structures and equipment used to load or unload and transfer grain.

Based on information provided regarding Didion Milling's operation, grain (corn) is stored, dried, and then fed into "tempering" bins, and later into degerminators and other milling processes. After the grain is dried in the dryer, it is fed into the top of a tempering bin. With the exception of drying, the grain is not processed prior to entering the "tempering bin." Dried corn, dropped into "tempering" bins, may fracture and break. However, no chemical processing or milling has yet occurred. Rather, the tempering bins serve as additional storage prior to the germination step. This grain is not considered altered and is still unprocessed grain.

The storage capacity of the tempering bins should be included when determining total storage capacity for the facility. Based on the information provided to U.S. EPA, the grain storage capacity for the facility exceeded one million bushels in 1999, when additional storage bins were

added. Since the permanent storage capacity for this facility exceeds one million bushels, the facility meets the definition of a grain storage elevator, as defined in Subpart DD, and is subject to the NSPS. The affected facilities that would be subject to the requirements of Subpart DD are those that were constructed at the time the facility grain storage capacity reached one million bushels as well as any affected facilities that were subsequently constructed. In addition, any existing facilities that were modified or reconstructed at the time or after the grain storage capacity reached one million bushels, and that do not meet the modification exemptions in Section 60.304(b), would also be subject.

In your letter, dated November 14, 2004, you noted that there has been no increase (or proposed increase) to the hourly grain handling capacity at Didion Milling. You made reference to Section 60.304(b)(4) of Subpart DD which states that the installation of permanent storage capacity without an increase in hourly grain handling capacity by itself would not be considered a modification of an existing facility. This provision only applies to modification of those affected facilities at the plant that existed prior to the date that the NSPS applied. This provision does not apply to those affected facilities that are constructed at the time applicability was triggered or subsequent to that time. Consequently, as stated above, the affected facilities that were constructed at the time the grain storage capacity reached one million bushels as well as any affected facilities that were subsequently constructed would be subject to Subpart DD.

Regarding your questions concerning silo testing, and silo baghouse requirements, these are not requirements of the NSPS, and you may wish to discuss these matters further with the Wisconsin Department of Natural Resources (DNR).

If you have any further questions, please feel free to contact Tanya Boomer, of my staff, at (312) 353-4145.

Sincerely yours,

George T. Czerniak, Chief
Air Enforcement and Compliance Assurance Branch

cc: Raj Vakharia,
Wisconsin Department of Natural Resources