



VIRGINIA ASPHALT ASSOCIATION

Air Regulations

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TROUTMAN SANDERS

ATLANTA BEIJING CHARLOTTE CHICAGO HONG KONG NEW YORK ORANGE COUNTY PORTLAND RALEIGH
RICHMOND SAN DIEGO SAN FRANCISCO SHANGHAI TYSONS CORNER VIRGINIA BEACH WASHINGTON, DC

AGENDA

- Overview of New Source Performance Standards
- Overview of Preconstruction Permitting Requirements
- EPA Guidance and Enforcement
- What is “RICE MACT”?
- What to Watch in 2017
- Questions?



New Source Performance Standards

- Section 111(b) of the Clean Air Act
- “Subpart I”: Only 4 provisions, 40 C.F.R. § 60.90 – 60.93

1. **Applicability:** hot mix asphalt constructed after 1973

dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler, systems for mixing hot mix asphalt; and loading, transfer, and storage systems associated with emission control systems

2. **Definitions:** “hot mix asphalt facility”

3. **Particulate Matter Emission Standards:**

- 90 mg/cm (0.04 gr/cf)
- 20% opacity

4. **Test Methods and Procedures:** Methods 5 & 9



New Source Performance Standards

- “Subpart UU”: Only 5 provisions, 40 C.F.R. § 60.90 – 60.93

- 1. Applicability:** asphalt processing and roofing plants constructed after 1980

each **saturator** and each **mineral handling and storage facility** at **asphalt roofing plants**; and each **asphalt storage tank** and each **blowing still** at **asphalt processing plants**, petroleum refineries, and asphalt roofing plants

- 2. Definitions:** 12 key terms (see bold terms above)

- 3. Particulate Matter Emission Standards:**

- Numerous standards & 20% opacity

- 4. Monitoring of operations:** temperature and controls

- 5. Test Methods and Procedures:** Methods 5 & 9



Preconstruction Permitting

Attainment Areas

- Prevention of Significant Deterioration (PSD)
- Only applies to “major sources” > 100 tpy potential-to-emit (PTE)
- Requires:
 1. Best cost-effective controls
 2. Modeling Analyses
 3. Time – 6 to 18 months
 4. Public process

Nonattainment Areas

- Nonattainment New Source Review (NNSR)
- Only applies to “major sources” but the PTE thresholds may vary
- Requires
 1. Best controls ever
 2. Emission Offsets
 3. Alternatives Analysis
 4. Time and public process



EPA Guidance

Q: If my plant is portable, is it still regulated as a “stationary source” of emissions?

A: Yes. ADI# 1003 (12/5/74)

Q: Do I count “fugitive emissions” in determining whether I am a “major source”?

**A: Yes, count all emissions, even those not emitted from a vent or stack, in determining whether you are a “major source.”
(6/9/1980)**



EPA Guidance

Q: Could increasing recycled asphalt product percentage triggered permitting or additional testing requirements?

A: Increasing RAP percentage can be considered an “operational change,” but is not expected to increase emissions, so no permitting or testing required. (5/18/95)

A quick note on EPA enforcement ...

- Four actions in the last ten years (two in 2006 and 2012)
- Penalties range from \$1000 to \$94,500



RICE MACT

- “Reciprocating Internal Combustion Engines” “Maximum Achievable Control Technology” Standards
- The most complicated rule for the smallest sources.
- Different standards apply depending on size of facility (area or major), engine fuel (diesel or gas), horsepower, 2-stroke or 4-stroke, lean or rich burn,
- The easy answer ... buy a good one.
 - Manufacturer certification will suffice IF:
 1. any size at an area source
 2. < 500 HP at a major source
 3. < 250 HP if 4SLB at major source



What to Watch in 2017



Why is the climate changing?

- [Basic Information](#)
- [Causes of Climate Change](#)
- [Future of Climate Change](#)
- [Greenhouse Gas Emissions](#)



U.S. GREENHOUSE GAS POLLUTION INCLUDES:



What can we do about this change?

- [Reducing Emissions](#)
- [Adapting to Change](#)
- [What EPA is Doing](#)
- [What You Can Do](#)

WE'VE MADE PROGRESS THANKS TO:

- STRONGER FUEL ECONOMY STANDARDS**
We set the highest fuel economy standards in American history that will double the efficiency of our new and existing fleets.
- DOUBLED RENEWABLE ENERGY**
We doubled renewable energy generation from 2005 and added 70,000 jobs.
- DECREASED CARBON POLLUTION**
In 2012, U.S. average carbon emissions fell to the lowest level in nearly 20 years.



Questions?

