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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Office of Air Quality Planning and Standards  
Research Triangle Park, North Carolina 27711

17 JUN 1977

Mr. R. T. Sutton  
Commissioner  
Department of Conservation  
State of Louisiana  
Post Office Box 44275  
Baton Rouge, Louisiana 70804

Dear Mr. Sutton:

This is in response to your June 6, 1977, letter requesting clarification of our determination that the "emission offset" ruling (41 FR 55525) does not apply to FEA's Choctaw Salt Dome project. You asked whether emissions from tanker ballasting and barge loading associated with the storage and withdrawal from storage of crude oil would always be considered "construction related" and therefore exempt from the emission offset ruling. Our determination was based on the fact that such emissions were to be temporary and would occur only during the fill phase of the project. If these emissions had continued over the life of the project, as would generally be the case with storage facilities associated with a new marine terminal or a new refinery, the Choctaw Salt Dome project would have been subject to the offset ruling. Thus, tanker ballasting and barge loading emissions cannot generally be exempted from the offset requirements unless they are, in fact, temporary in nature.

Secondly, you asked whether "new major source emissions may occur in a non-attainment area for up to 28 months prior to the NAAQS attainment date specified in an EPA approved State Implementation Plan." This is rather an academic question under the present Clean Air Act, since the statutory attainment dates have already passed. However, as you probably know, the Act amendments currently being considered by Congress may provide additional time for attainment and more flexibility for States to accommodate new source growth in a SIP that demonstrates attainment of the NAAQS. Until we see the final bill, we cannot say now your question would be answered under the new legislation.

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I hope this clarifies our position on the Choctaw Salt Dome project. If I can be of further assistance please contact me.

Sincerely yours,

Walter C. Barber  
Director  
Office of Air Quality Planning  
and Standards

cc: Dr. Robert L. Davies  
Mr. John C. White  
Mr. G. William Frick

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