

February 18, 1998

4APT-ARB

Ms. Chun-chi S. Liu
Mecklenburg County
Department of Environmental Protection
700 N. Tryon Street, Suite 205
Charlotte, North Carolina 28202-2236

Subject: Applicability Determination Request;
Definition of a "Major Source" under 40 CFR 70.2

Dear Ms. Liu:

Thank you for your letter of December 22, 1997 (enclosed for reference) in which you requested a written applicability determination from the Environmental Protection Agency (EPA) regarding the 40 CFR 70.2 definition of a "major source". Specifically, you asked if gasoline should be considered as petroleum in determining whether or not a source is "major" if the source is a bulk gasoline terminal.

As referenced in your letter, under the definition of "major source" in section 40 CFR 70.2, EPA lists 27 categories of sources which must aggregate their fugitive emissions toward title V applicability. For the most part, the listed categories are consistent with the named category list presented at 40 CFR 52.21(b)(1)(i)(a) under the Prevention of Significant Deterioration (PSD) program. This letter will address gasoline/fuel terminals as they may apply to the "(xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels"; and "(xxvii) All other stationary source categories regulated by a standard promulgated under section 111 or 112 of the Act, but only with respect to those air pollutants that have been regulated for that category" source categories as listed under the major source definition in 40 CFR Part 70.

EPA has determined that the "xxii" source category, as listed under the major source definition in 40 CFR Part 70, does not extend to gasoline/fuel terminals. Upon review of the term "petroleum" as defined in 40 CFR 60, Subparts J, K, Ka, and Kb, it is our determination that the named category was limited to crude oil and not its refined products (e.g., gasoline). With respect to the "xxvii" source category, the Region has determined that fugitive emissions do not have to be aggregated toward title V applicability since the applicable regulation (40 CFR Part 60, subpart XX-Standards of Performance for Bulk Gasoline terminals) was promulgated after August 7, 1980. As you know, your agency

or any permitting authority may apply a stricter interpretation of the (xxii) source category and require that gasoline be considered toward the capacity limitation in order to determine whether fugitive emissions from gasoline should be aggregated in determining title V applicability.

Thank you for the opportunity to clarify this matter. If you have any further questions please contact Doug Deakin of my staff at (404) 562-9114.

Sincerely yours,

/s/

R. Douglas Neeley
Chief
Air & Radiation Technology Branch
Air, Pesticides & Toxics
Management Division

Enclosures