

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

DEC 21 1979

Mr. Roger Strelow
Leva, Hawes, Symington,
Martin & Oppenheimer
815 Connecticut Avenue, N.W.
Washington, D. C. 20006

Dear Roger:

This is in response to your request of November 27, 1979, to clarify how PSD regulations would apply to glass manufacturing plants. Specifically, you wanted OAQPS to confirm that such plants do not belong to the chemical processing plant category identified in Section 169 of the Act. The impact of such a finding would be to establish that a 250-ton-per-year (TPY) threshold, rather than 100 TPY, is the appropriate criteria for defining a major class manufacturing plant for purposes of PSD applicability. You mentioned that in the absence of Headquarters guidance, Region IV has applied the 100 TPY criteria to glass manufacturing plants.

After reviewing with Region IV the available information on how Congress developed the major source categories in Section 169, we are inclined to agree with you that the intent was not to cover glass manufacturing plants under the chemical processing plant category. Moreover, although Congress may have intended to include glass manufacturing as a class in Section 169 instead of glass fiber plants, I believe that as written the Act and the PSD regulations apply to glass manufacturing plants on a 250 TPY basis. The Office of General Counsel concurs with my conclusion.

You also suggested how future problems related to defining industry coverage within certain source categories, particularly chemical plants, might be resolved. You advised that EPA endorse Regional use of the TRC report [TRC, Impact of New Source Performance Standards on 1985 National Emissions from Stationary Sources, Vol. I (Final Draft Report), Feb. 17, 1975], used by the Congress in developing the Section 169 definitions, for this purpose. We acknowledge that this or some similar approach based on industrial SIC codes may be a satisfactory answer. Although it is now

premature to issue such guidance, EPA is looking into alternatives for adequately clarifying source category problems.

Thank you for your recommendations on this issue.

Sincerely yours,

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

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