Dear Mr. Stewart:

Thank you for your letter of October 19, 1999, in which you asked for determinations regarding the applicability of 40 C.F.R. Part 60, Subpart OOO (Standards of Performance for New Source Performance Standards [NSPS] Applicability to Sand Reclamation Facilities) under this regulation. As noted in your letter, U.S. Environmental Protection Agency (EPA) Region 6, previously determined in 1997 that calciners used in sand reclamation operations at foundries are subject to Subpart UUU.

(1) Furnaces used in sand reclamation operations at foundries are subject to Subpart UUU if the furnace is constructed, reconstructed, or modified after April 23, 1986, and if the emissions from the furnace do not exceed 11 tons per year. In several previous determinations the Agency has extended this exemption to other types of calciners and dryers that emit less than 11 tons per year. Since the authority to implement Subpart UUU in the state of Tennessee has been delegated to your agency, any company that supplies you with information demonstrating that particulate emissions from their calciner or dryer are less than 11 tons per year are exempt from all opacity monitoring requirements under 40 C.F.R. Section 60.734. At the time Subpart UUU was promulgated, EPA had determined that opacity monitoring was unnecessary for affected facilities that emit less than 11 tons of particulate per year. Since the authority to implement Subpart UUU in the state of Tennessee has been delegated to your agency, any company that supplies you with information demonstrating that particulate emissions from their calciner or dryer are less than 11 tons per year are exempt from all opacity monitoring requirements in 40 C.F.R. Section 60.734(c).

(2) Owners and operators of calciners or dryers that emit less than 11 tons of particulate per year are exempt from all opacity monitoring requirements in 40 C.F.R. Section 60.734(c). At the time Subpart UUU was promulgated, EPA had determined that opacity monitoring was unnecessary for affected facilities that emit less than 11 tons per year. In several previous determinations the Agency has extended this exemption to other types of calciners and dryers that emit less than 11 tons per year. Since the authority to implement Subpart UUU in the state of Tennessee has been delegated to your agency, any company that supplies you with information demonstrating that particulate emissions from their calciner or dryer are less than 11 tons per year are exempt from all opacity monitoring requirements in 40 C.F.R. Section 60.734(c). At the time Subpart UUU was promulgated, EPA had determined that opacity monitoring was unnecessary for affected facilities that emit less than 11 tons of particulate per year. Since the authority to implement Subpart UUU in the state of Tennessee has been delegated to your agency, any company that supplies you with information demonstrating that particulate emissions from their calciner or dryer are less than 11 tons per year are exempt from all opacity monitoring requirements in 40 C.F.R. Section 60.734(c).

(3) Crushing and grinding that occurs in the sand reclamation process would not result in particulate emissions that would be subject to Subpart OOO because the sand particles resulting from this process are not among the criteria considered when determining applicability under Subpart UUU. The basis for this conclusion is that industrial sand is classified as a nonmetallic mineral under the definitions in 40 C.F.R. Section 60.731, and calciners and dryers that process nonmetallic minerals are subject to the Subpart UUU since size or throughput are not among the criteria considered when determining applicability under Subpart OOO.

Applicability Determination:

Q: Are furnaces used in sand reclamation facilities at foundries subject to 40 CFR Part, Subpart UUU?

A: Yes. Subpart UUU identifies a number of specific types of calciners and dryers that are exempt from opacity monitoring because their particulate emissions are known to be less than 11 tons per year. Based upon our review of the applicability provisions in these regulations, we concur with the following interpretations presented in your letter:

(1) Furnaces used in sand reclamation operations at foundries are subject to Subpart UUU if the furnace is constructed, reconstructed, or modified after the applicability date of the standard. The basis for this conclusion is that industrial sand is classified as a nonmetallic mineral under the definitions in 40 C.F.R. Section 60.731, and calciners and dryers that process nonmetallic minerals are subject to the Subpart UUU since size or throughput are not among the criteria considered when determining applicability under Subpart OOO.

(2) Owners and operators of calciners or dryers that emit less than 11 tons of particulate per year are exempt from all opacity monitoring requirements in 40 C.F.R. Section 60.734. At the time Subpart UUU was promulgated, EPA had determined that opacity monitoring was unnecessary for affected facilities that emit less than 11 tons per year. In several previous determinations the Agency has extended this exemption to other types of calciners and dryers that emit less than 11 tons per year. Since the authority to implement Subpart UUU in the state of Tennessee has been delegated to your agency, any company that supplies you with information demonstrating that particulate emissions from their calciner or dryer are less than 11 tons per year are exempt from all opacity monitoring requirements in 40 C.F.R. Section 60.734(c).

(3) Crushing and grinding that occurs in the sand reclamation process would not result in particulate emissions that would be subject to Subpart OOO because the operations are used to break down the organic binder that holds the molds together rather than to crush the sand itself. The basis for this conclusion is that industrial sand is classified as a nonmetallic mineral under the definitions in 40 C.F.R. Section 60.731, and calciners and dryers that process nonmetallic minerals are subject to the Subpart UUU since size or throughput are not among the criteria considered when determining applicability under Subpart OOO.

If you have any questions about the determinations provided in this letter, please contact Mr. David McNeal of the EPA Region 4 staff at (404) 562-9102.

Sincerely,

R. Douglas Neeley

Chief

Air and Radiation Technology Branch Air, Pesticides and Toxics Management Division