



## U.S. Environmental Protection Agency Applicability Determination Index

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**Control Number: 0100015**

**Category:** NSPS  
**EPA Office:** Region 3  
**Date:** 02/27/2001  
**Title:** Applicability of Subpart AA to EAF at a Foundry  
**Recipient:** Dennis Lencioni  
**Author:** Chris Pilla

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**Subparts:** Part 60, AA, Steel Plants-Electric Arc Furnaces

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**References:** 60.270

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**Abstract:**

Q: Is a specific furnace at a foundry plant subject to NSPS Subpart AA?

A: No. At the time of installation of the "C" furnace there was an exemption provided for Electric Arc Furnaces located in foundries.

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**Letter:**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

In Reply Refer To: 3AP12

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Dennis Lencioni  
Corporate Environmental Director  
Trinity Industries, Inc.  
2525 Stemmons Freeway  
Dallas, Texas 75207

Re: McConway and Torley Corporation NSPS Issue

Dear Mr. Lencioni:

The Philadelphia Regional Office of the U.S. Environmental Protection Agency (EPA-Region III) has received and reviewed your letter, dated January 18, 2001, regarding the New Source Performance Standard (NSPS) regulations pertaining to Electric Arc Furnaces (EAFs) and their applicability to the McConway and Torley Furnace "C" operations. After a review of the information contained in your letter and several conference calls with both Research Triangle Park and other EPA personnel most knowledgeable in this matter, EPA agrees with Trinity Industries that the NSPS Subpart AA regulations do not apply to the McConway and Torley "C" furnace because of the foundry exemption contained in the original final rulemaking notice of September 23, 1975. Based on our research, it has been determined that EPA did not intend to regulate foundry EAFs with that rulemaking due to the low production output attributable to this industry in the United States.

Please understand that, although the NSPS Subpart AA regulations do not apply in this instance, EPA, nonetheless, has the authority under Section 114 of the Clean Air Act to require any owner or operator of an air emission source to test for the magnitude of pollutant emission rates for the purpose of determining the source compliance with any applicable regulations including permit and/or State Implementation Plan emission limits. EPA is no longer requiring the emission test program which was previously ordered by earlier correspondence. However, the testing may be reinstated at some point in the future if determined to be necessary.

Thank you for your cooperation in this matter and do not hesitate to contact James W. Hagedorn, of my staff, at (215) 814-2161 if you should have any further comments or questions.

Sincerely,

Christopher Pilla, Chief  
Air Enforcement Branch

cc: Sandra Etzel, ACHD  
Judy Hykel, Region III ORC