

RE: AGP 23NOC1627- Subpart DD Applicability to T4 Facilities

Jorgensen, Kelly <KJorgensen@AGP.com>

Thu 12/21/2023 9:11 AM

To: Aaron Manley <aaron.manley@orca.org>

Cc: Marker, Stewart <SMarker@AGP.com>; Josh Bartlett <jbartlett@anchorqea.com>; Kim Marcotte

<kmarcotte@anchorqea.com>; Debbie Moody <debbie.moody@orca.org>; Chris Moelter <cmoelter@anchorqea.com>

Aaron Manley;

Thank you for the prompt response regarding Subpart DD, as it relates to the Terminal 2 (T2) and Terminal 4 (T4) facilities. AGP agrees that as long as the storage/transfer/handling operations at T4 are kept physically separate of the T2 facility operations, then T4 should be considered a 'separate facility' with respect to Subpart DD and remain exempt from Subpart DD.

As you pointed out, the applicability and designation of affected facility in Subpart DD (40 CFR 60.300(a)) states; *"The provisions of this subpart apply to each affected facility **at any grain terminal elevator** or any **grain storage elevator**, except as provided under § 60.304(b). The affected facilities are each truck unloading station, truck loading station, barge and ship unloading station, barge and ship loading station, railcar loading station, railcar unloading station, grain dryer, and all grain handling operations."* (Emphasis added by AGP.)

Grain handling operations are an "affected facility", but Subpart DD is applicable to an affected facility only if it exists at a "grain terminal elevator" or "grain storage elevator". Subpart DD 60.301(c) & (f) provides the following definitions.

- (c) **Grain terminal elevator** means any grain elevator which has a permanent storage capacity of more than 88,100 m³ (ca. 2.5 million U.S. bushels), except those located at animal food manufacturers, pet food manufacturers, cereal manufacturers, breweries, and livestock feedlots.
- (f) **Grain storage elevator** means any grain elevator located at any wheat flour mill, wet corn mill, dry corn mill (human consumption), rice mill, or soybean oil extraction plant which has a permanent grain storage capacity of 35,200 m³ (ca. 1 million bushels).

The T2 facility meets the definition of "grain terminal elevator" because it has grain storage capacity in excess of 2.5 million U.S. bushels. The T4 facility does not meet the definition of either "grain terminal elevator" or "grain storage elevator". If in the future, the T4 facility was in a position to store/transfer/handle "grain" as defined in Subpart DD 60.301(a), those "affected facilities" would not be subject to NSPD Subpart DD unless the added storage capacity was sufficient for the T4 facility to meet the definition of a "grain terminal elevator".

The addition of storage capacity at the T4 facility sufficient to make the facility a grain terminal elevator and therefore subject to NSPS Subpart DD is not anticipated in the foreseeable future. Such an addition would also require additional air permitting through ORCAA. Therefore, AGP sees no need for NSPS Subpart DD language to be included in the requested permit for T4.

Thank you.

Kelly P. Jorgensen

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From: Aaron Manley <aaron.manley@orcaa.org>
Sent: Wednesday, December 20, 2023 5:38 PM
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Subject: [EXTERNAL] AGP 23NOC1627- Subpart DD Applicability to T4 Facilities

Hello, it was nice meeting with you all this afternoon. As we discussed, each facility at Terminal 2 (T2) is approved/permitted to store/transfer/handle Subpart DD grains, and, therefore, Subpart DD applies to each facility at T2.

Per the applicability and designated facility determination/definition in Subpart DD (40 CFR 60.300(a)), "The provisions of this subpart apply to each affected facility at any grain terminal elevator or any grain storage elevator, except as provided under [§ 60.304\(b\)](#). The affected facilities are each truck unloading station, truck loading station, barge and ship unloading station, barge and ship loading station, railcar loading station, railcar unloading station, grain dryer, **and all grain handling operations** (emphasis added by ORCAA staff)."

While ORCAA considers AGP one facility with respect to permitting, registration, and Title V applicability, ORCAA agrees that provided the storage/transfer/handling operations of the facilities at Terminal 4 (T4) are kept physically completely separate of the T2 affected facility operations, T4 facilities can be considered 'separate facilities' with respect to Subpart DD and remain exempt from Subpart DD. However, should T4 facilities be in a position in which storing/transferring/handling Subpart DD grains became necessary, it would require pre-approval from ORCAA through additional permitting. It might be easier to just include Subpart DD applicability and approval in this permitting action, but that is AGP's decision.

Let me know if you'd like to keep the T4 facilities exempt from Subpart DD and we will keep that in mind when writing the permit conditions. I'll also be on the lookout for the NOC application addendum. Feel free to contact me with any questions or concerns.

Sincerely,

Aaron Manley, P.E.

Engineer II

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