

ARS Compliance Tip of the Month

March 9, 2010

40 CFR 63 Subpart VVVVVV National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources

Subpart VVVVVV is the new "area source" MACT standard that would apply to Chemical Manufacturing Area Sources. As such, it potentially applies to facilities that are a non-major source of hazardous air pollutant (HAP) emissions. The Final Rule was published in the Federal Register on October 29, 2009.



A few of our ethanol clients have asked ARS about applicability under this rule. To determine applicability a key part of the regulation states....

"This subpart is applicable to owners/operators of area source chemical manufacturing process units (CMPU) that use as feedstocks, generate as byproducts, or produce any of the 15 HAPs listed in Table 1 at concentrations greater than 0.1 percent for carcinogens and greater than 1.0 percent for noncarcinogens."

The NAICS code for ethanol production (325193) falls under chemical manufacturing and most ethanol plants have remained minor/area sources for HAPs. Acetaldehyde, which is created as a byproduct, is one of the 15 listed HAPs and considered a carcinogen. However, if the HAP (acetaldehyde) is not present at the minimum concentration (0.1%) specified by the rule, our reading is that Subpart VVVVVV would not apply to the facility.

Subpart VVVVVV allows the operator to rely on manufacturer's or supplier's data regarding the HAP formulation in any process streams. ICM has reported to us that the 0.1% acetaldehyde concentration threshold is not triggered anywhere within a typical ethanol plant and that none of the other 15 listed HAPs are present. This information is consistent with the concentration of acetaldehyde (0.02%) used for emission inventory and TRI reports that ARS has completed for numerous ethanol clients.

Please feel free to contact me (rkirk@air-resource.com) or your ARS Project Manager if you have any questions about this new regulation and how it impacts your particular operations.

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Ms. Kirk joined ARS with a background in environmental engineering. She provides assistance to clients through regulatory research, analysis, and interpretation, and prepares permit applications, air emission calculations, pollution prevention plans, technical studies, and compliance reports for new and existing facilities. She is well experienced in working with the federal Clean Water Act, Clean Air Act, Resource Conservation and Recovery Act (RCRA), and Emergency Planning and Community Right-to-Know Act (EPCRA), as well as similar programs enacted in many states throughout the U.S.