

**Standards of Performance for  
Coal Preparation and Processing Plants  
(40 CFR 60 subpart Y)**

**Response to Comments Received on  
Proposed Amendments  
(Published April 28, 2008; 73 FR 22901)  
and  
Supplemental Proposal  
(Published May 27, 2009; 74 FR 25304)**

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Office of Air Quality Planning and Standards  
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## Acronyms and Abbreviations

BACT	Best Available Control Technology
BLDS	Bag Leak Detector System
BDT	Best Demonstrated Technology
CAA	Clean Air Act
CAM	Compliance Assurance Monitoring
CEMS	Continuous emission monitoring system
CO	Carbon monoxide
COMS	Continuous opacity monitoring system
CPM	Condensable particulate matter
EPA	U.S. Environmental Protection Agency
FPM	Filterable particulate matter
gr/dscf	grains per dry standard cubic foot
Mg	Megagrams
Mg/day	Megagrams per day
ICR	Information Collection Request
MSDS	Material Safety Data Sheets
MSHA	Mine Safety and Health Administration
NAAQS	National Ambient Air Quality Standards
NESHAPS	National Emission Standards for Hazardous Air Pollutants
NFPA	National Fire Protection Association
NSPS	New Source Performance Standards
NO <sub>x</sub>	Nitrogen oxides
O&M	Operation and maintenance
OSHA	Occupational Safety and Health Administration
PECS	Passive enclosure containment system
PM	Particulate matter
PM <sub>2.5</sub>	PM with an aerodynamic diameter less than or equal to a nominal 2.5 μ
PM <sub>10</sub>	PM with an aerodynamic diameter less than or equal to a nominal 10 μ
PSD	Prevention of Significant Deterioration
scfm	Standard cubic feet per minute
SO <sub>2</sub>	Sulfur dioxide
SMCRA	Surface Mining Control and Reclamation Act
Subpart OOO	Nonmetallic mineral processing NSPS under 40 CFR 60 subpart OOO
Subpart Y	Coal preparation and processing plants NSPS under 40 CFR 60 subpart Y
ton/day	tons per day

ton/yr

tons per year

μ

micrometers

VOC

Volatile organic compounds

WDEQ

Wyoming Department of Environmental Quality

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## 1.0 INTRODUCTION

The U.S. Environmental Protection Agency (EPA or the Agency) proposed on April 28, 2008 (see 73 FR 22901), amendments to the new source performance standards (NSPS) for coal preparation and processing plants in 40 CFR 60 subpart Y (hereafter referred to in this document as “Subpart Y”). Initially, a 45-day period ending June 12, 2008, was provided for the public to submit comments to EPA regarding the proposed Subpart Y amendments. In response to a request from commenters, EPA extended the public comment period an additional 30 days, and the comment period ended July 12, 2008.

A total of 42 sets of comments were received by EPA regarding the April 28, 2008, proposed Subpart Y amendments. Some of the comment sets were signed or submitted on behalf of multiple commenters. Also, in some cases duplicate comment sets from the same commenter were submitted to the EPA’s Air and Radiation Docket. Table 1-1 lists the names of the commenters, the commenters’ affiliations, and the Air and Radiation Docket entry number for each of the comment sets submitted to EPA. Some commenters also submitted supplemental information and data to support their comments.

After reviewing and considering the comments on the April 28, 2008, proposed Subpart Y amendments, EPA decided to publish, and request additional public comment on, a supplemental Subpart Y amendment proposal. This supplemental Subpart Y amendment proposal was published on May 27, 2009 (see 74 FR 25304). The supplemental Subpart Y amendment proposal included: 1) revisions to the particulate matter (PM) emissions and opacity limits originally proposed for thermal dryers, pneumatic coal-cleaning equipment, and coal handling equipment (includes coal processing, conveying, storage and transfer operations); 2) revisions expanding the applicability of Subpart Y thermal dryer standards to both direct contact and indirect contact thermal dryers drying all coal ranks; 3) revisions expanding the applicability of Subpart Y pneumatic coal-cleaning equipment standards to cleaning of all coal ranks; 4) a new sulfur dioxide (SO<sub>2</sub>) and a new combined nitrogen oxides (NO<sub>x</sub>) and carbon monoxide (CO) emissions limit for thermal dryers; 5) revisions to the definition of “coal” to include petroleum coke and coal refuse; 6) addition of new work practice standards to control coal dust emissions from open storage piles and roadways within with coal preparation and processing plants, and 7) revisions to the monitoring requirements.

A total of 44 sets of comments were received by EPA regarding the May 27, 2009, supplemental Subpart Y amendment proposal. Table 1-2 lists the names of the commenters, the commenters’ affiliations, and the EPA Office of Air and Radiation Docket entry number for each of the comment sets submitted to EPA regarding the supplemental Subpart Y amendment proposal.

This document presents EPA’s response to each substantive comment received by EPA on the proposed amendments to Subpart Y. The comment summaries are grouped by topic in two sections. Section 2 presents responses to the comments received by EPA on the original April 28, 2008, Subpart Y amendment proposal notice. Section 3 presents responses to the comments received by EPA on the May 27, 2009, supplemental Subpart Y amendment proposal notice.

integrated iron and steel plant would actually increase. Establishing emission limits for thermal dryers using these process gas fuels will only serve to discourage their use.

- The proposed standards are based on the assumption that thermal dryers located at traditional mine sites and coal preparation plants are typically fired with coal, but in the examples noted above, other fuels are normally used. At the very least, the rule should include a provision to allow operators of thermal dryers fired by natural gas, waste heat, or process gases to apply for a variance upon demonstration that emissions of SO<sub>2</sub>, NO<sub>x</sub>, CO and/or PM are well below the prescribed standards. Upon such a demonstration, monitoring requirements for these pollutants should be reduced or eliminated.

**Response:** As noted in the response to comment 3.2, EPA has maintained that coal preparation and processing plants may be found at industrial sites such as those described by the commenter. In the Response to Comments document for the October 24, 1974, proposal, EPA stated “[t]he specific coal processing operations regulated by these standards are affected regardless of whether they are located in coal liquefaction plants, power plants, coke ovens, etc.” (see “Background Information for Standards of Performance: Coal Preparation Plants; Volume 3: Supplemental Information. January 1976. p. 22). Thus, EPA has not changed its interpretation. In addition, EPA has made no assumptions as to the source of the heat used in the thermal dryer as the commenter suggests. However, as noted above for Portland cement plants, EPA agrees that in the case of an affected source at an integrated iron and steel manufacturing facility, where the emissions from the thermal dryer would be considered as part of the blast furnace or coke oven emissions, the facility should be regulated under the appropriate steel mill or coke oven NSPS. As previously explained, EPA’s intent at this time is to regulate emissions from a thermal dryer only in circumstances where coal, coal refuse, or residual oil are used as thermal input. Thermal dryers that use residual or waste heat from the combustion of these fuels would only be subject to the PM and opacity standards. Indirect thermal dryers for which the source of heat is subject to SO<sub>2</sub>, NO<sub>x</sub>, and/or CO limits under another 40 CFR part 60 subpart would not be subject to the emission limits for SO<sub>2</sub> and NO<sub>x</sub>/CO. In addition, affected thermal dryers for which all of the thermal input is supplied by gaseous fuels (e.g., blast furnace gas, coke oven gas, natural gas) or distillate oil also would not be subject to the emission limits for SO<sub>2</sub> and NO<sub>x</sub>/CO.

### **3.4 Subpart Y Coal Processing, Conveying, Storage and Transfer System Standards**

#### **3.4.1 Affected Sources**

##### **3.4.1.1 *Coal Unloading Activities - Subpart Y Proposal Contrary to EPA Policy***

**Comment:** Many commenters (085, 086, 088, 095, 107, 108, 112, 115, 117, and 120) stated that Subpart Y should not be applicable to coal unloading activities because of previous EPA applicability determinations and current EPA policy. Commenters disagree with EPA’s rationale for its proposal to amend Subpart Y to include coal unloading activities. EPA concluded that coal unloading, in general, and truck dumps, in particular, are NSPS affected facilities at coal preparation plants based on (1) an “exceptionally strained” interpretation of the term “conveying equipment,” (2) a guidance manual for agency inspection of coal unloading at coal preparation plants, and (3) a document that did not specifically address coal unloading but nevertheless

assumed that activity was regulated by Subpart Y. Review of the record shows evidence that EPA never intended for coal unloading activities to be an affected facility at coal preparation plants when Subpart Y was promulgated. Specific EPA determinations cited by commenters concerning EPA's intentions for regulating coal unloading activities under Subpart Y include the following.

- In 1980, EPA's first review of Subpart Y concluded that that coal unloading was not a Subpart Y affected facility.
- In 1995, EPA Region VIII advised the Wyoming Department of Environmental Quality that "truck coal dump operations are not affected facilities subject to the NSPS Subpart Y regulations."
- In 1998, EPA Headquarters published an interpretative ruling in the Federal Register stating that "coal unloading that involves conveying coal to plant machinery is regulated under Subpart Y" (63 FR 53288, dated October 05, 1998). EPA Headquarters "use[d] the term "coal unloading" to encompass "coal truck dumping" and "coal truck unloading" as well as dumping or unloading from trains, barges, mine cars, and conveyors." EPA explained its reasoning behind that 1998 interpretation, as follows: section 60.251(g) defines "coal processing and conveying equipment" as "any machinery used to reduce the size of coal to or remove coal and refuse from the machinery. This includes, but is not limited to, breakers, crushers, screens, and conveyor belts." The key phrases are "the equipment used to convey coal to . . . machinery" and "but not limited to." Although the equipment involved in coal unloading varies from plant to plant (the definition is written broadly enough to accommodate the differences), what is important is that the equipment performs the function of conveying. It should be noted that if the coal is unloaded for the purpose of storage, then the unloading activity is not an affected facility under Subpart Y. The coal must be directly unloaded into receiving equipment, such as a hopper, to be subject to the provisions of Subpart Y (63 FR 53289).
- Subpart OOO explicitly excludes truck dumping from NSPS control requirements (section 60.672(d)). Subpart OOO was just recently revised, 74 FR 19294 (April 28, 2009), and it continues to contain that NSPS-exclusion for truck dumping. Thus, in the absence of (1) representative data for achievable levels of controlled emissions from coal unloading and (2) associated documentation that the costs of such controls are reasonable, the obvious inference is that coal unloading should also remain excluded from NSPS.

**Response:** As commenters noted, in 1998 EPA issued an interpretative ruling that states that "coal unloading" operations (which include both truck and rail car dumping) are regulated under subpart Y. This interpretative ruling has not been changed in the intervening years and, thus, remains in effect. In the interpretative ruling, EPA concluded

...that coal unloading that involves conveying coal to plant machinery fits within the definition of "coal processing and conveying equipment." 40 CFR 60.251(g) defines "coal processing and conveying equipment" as "any machinery used to reduce the size of coal or to separate coal from refuse, and the equipment used to convey coal to or remove coal and refuse from the machinery. This includes, but is not limited to, breakers, crushers, screens, and conveyor belts." The key phrases are "the equipment used to convey coal to \* \* \* machinery" and "but is not limited to." While the "equipment"

involved in coal unloading varies from plant to plant (the definition is written broadly enough to accommodate the differences), what is important is that the equipment perform the function of conveying...The coal must be directly unloaded into receiving equipment, such as a hopper, to be subject to the provisions of NSPS Subpart Y. (see 63 FR 53288.)

Thus, EPA interprets coal unloading into the first hopper “downstream” from any form of transportation to be the beginning of the “coal preparation plant.”

As the standards under Subpart Y are based on data obtained from subject facilities, the comparisons with subpart OOO have no meaning. As discussed below in response to comment 3.4.2.1, the central question is whether the standard set in this rule is appropriate not whether a standard set in a different rule was appropriate. Much of commenters’ reasoning is based upon past applicability determinations that said unloading were not subject to Subpart Y. Such determinations were based on interpretations of the current rule language at the time. Thus, the determinations do not speak to Agency intent or policy regarding whether such regulation would be appropriate. Further, as noted, they were superseded by the 1998 interpretation, which was published in the Federal Register.

### **3.4.1.2 Coal Storage Piles**

#### **3.4.1.2.1 Authority to Regulate Coal Storage Piles under Subpart Y**

**Comment:** Many commenters (086, 091, 094, 110, 114, and 117) stated that EPA does not have the authority to regulate coal storage piles under 40 CFR 60. Section 60.1 provides that the provisions of 40 CFR 60 “apply to the owner or operator of any stationary source which contains an affected facility... .” Stationary source is defined in section 60.2, consistent with 42 USC 7411, as including any building, structure, facility or installation. Although it is not clear that a coal pile constitutes a building, structure, facility or installation, if it does, under section 60.1 the stationary source must also contain an affected facility. Affected facility is defined in section 60.2 as “with reference to a stationary source, any apparatus to which a standard is applicable.” This latter definition presents a substantial problem. If EPA wishes to regulate coal storage piles under 40 CFR 60 as part of a stationary source, the coal storage piles must be an apparatus. At many facilities which manage coal, coal storage piles are nothing more than what the name suggests: piles of coal. These piles often have no walls, no floor surfaces, and no equipment associated with their use. Although the term “apparatus” is an undefined term under 40 CFR 60, we do not believe that a pile of minerals mined from the earth and stored on the earth constitutes an “apparatus” which subjects the pile to regulation under 40 CFR 60. Although the authority may not exist to regulate coal storage piles under 40 CFR 60, this would not leave such storage piles unregulated. In many states, fugitive emissions from coal piles are regulated under State fugitive emissions limitations which are often incorporated into state implementation plans, and we do not challenge those regulations in this rulemaking.

**Response:** EPA disagrees with commenters’ assertion that a coal pile cannot be an affected facility under 40 CFR 60. Commenters correctly noted that the term “affected facility” is defined in section 60.2 to mean “with reference to a stationary source, any apparatus to which a standard is applicable.” The commenters also correctly note that the term “apparatus” is