

## 40 CFR 60 Subpart OOO - Rule Interpretation Memos

- ! [Determine if synthetic gypsum plants are subject to NSPS OOO](#) [July 18, 1997 ]
- ! [Applicability of 40 CFR 60, Subpart OOO to transfers to or from crushers at belt conveyor transfer points.](#) [July 22, 1998 ]
- ! [Applicability of 40 CFR 60, Subpart OOO to "open stockpiles".](#) [July 8, 1998 ]
- ! [Determine if the definition of non metallic mineral contained in 40 CFR § 60.671, and Subpart OOO is applicable after expansion and vitrification in the kiln.](#) [April 7, 1999 ]
- ! [Determine if 40 CFR 60, Subpart OOO is applicable to slag processing operations which use slag as an aggregate material.](#) [ April 14, 1997 ]
- ! [Applicability of NSPS Subpart OOO to mixing operations where pigments are added to a clay mix](#) [September 8, 1999]
- ! [Applicability of §§60.672\(a\), \(c\) or \(e\)\(2\) for an enclosed building without a vent.](#) [December 7, 1999]

Last Modified: December 7, 1999

## Rule Interpretation Summary Form

### ***REQUEST:***

Rule/Regulation Citation(s):	Federal Rule: <u>  X  </u> State Regulation: <u>  </u> Description:
40 CFR 60 Subpart OOO	Standards of Performance for Nonmetallic Mineral Processing Plants
Interpretation Request:	
Are processing plants which produce synthetic materials (e.g., synthetic gypsum) subject to Title 40 Code of Federal Regulations Part 60 (40 CFR 60), Subpart OOO?	

### ***DETERMINATION:***

Summary of Request:
Determine applicability of New Source Performance Standards (NSPS), Subpart OOO to plants which produce or process synthetic gypsum.
Determination:
Synthetic gypsum plants are not subject to NSPS, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

## Rule Interpretation Summary Form

Rule/Regulation Citation(s):	Federal Rule: <u>  X  </u> State Regulation: <u>  </u> Description:
40 C.F.R. 60, Subpart OOO	Standards of Performance for NonMetallic Mineral Processing Plants
Interpretation Request:	
In Title 40 Code of Federal Regulations (C.F.R.) Part 60, Subpart OOO, what opacity limit applies to transfers to or from crushers at belt conveyor transfer points?	
Determination:	
<p>Per 40 C.F.R. § 60.675(e)(1)(i)-(ii), it is the option of the owner or operator to use one of the following as alternatives for transfers of material to or from crushers if an emissions capture system is not used:</p> <ol style="list-style-type: none"> <li>1. Use for the combined emission stream the highest fugitive opacity standard applicable to any of the individual affected facilities contributing to the emissions stream, or</li> <li>2. Separate the emissions so that the opacity of emissions from each affected facility can be read.</li> </ol> <p>Note: in this particular case the highest fugitive opacity standard would be 15 percent. Therefore, transfers to or from crushers are transfer points on a belt conveyor (which would have a 10 or 15 percent opacity limit).</p>	

## Rule Interpretation Summary Form

Rule/Regulation Citation(s):	Federal Rule: <u>  X  </u> State Regulation: <u>  </u> Description
40 C.F.R. Part 60, Subpart OOO	Standards of Performance for NonMetallic Mineral Processing Plants
Interpretation Request:	
Title 40 Code of Federal Regulations (C.F.R.) Part 60, Subpart OOO regulates nonmetallic mineral production and specifies “storage bin” as an affected facility. Does this applicability extend to “open stockpiles”?	
Determination:	
The applicability of 40 C.F.R.Part 60, Subpart OOO does not extend to “open stockpiles”.	

## Rule Interpretation Summary Form

Rule/Regulation Citation(s):	Federal Rule: <u>  X  </u> State Regulation: <u>  </u> Description:
40 C.F.R. 60, Subpart OOO	Standards of Performance for NonMetallic Mineral Processing Plants
Interpretation Request:	
In Title 40 Code of Federal Regulations (C.F.R.) Part 60, Subpart OOO, what opacity limit applies to transfers to or from crushers at belt conveyor transfer points?	
Determination:	
<p>Per 40 C.F.R. § 60.675(e)(1)(i)-(ii), it is the option of the owner or operator to use one of the following as alternatives for transfers of material to or from crushers if an emissions capture system is not used:</p> <ol style="list-style-type: none"> <li>1. Use for the combined emission stream the highest fugitive opacity standard applicable to any of the individual affected facilities contributing to the emissions stream, or</li> <li>2. Separate the emissions so that the opacity of emissions from each affected facility can be read.</li> </ol> <p>Note: in this particular case the highest fugitive opacity standard would be 15 percent. Therefore, transfers to or from crushers are transfer points on a belt conveyor (which would have a 10 or 15 percent opacity limit).</p>	

## Rule Interpretation Summary Form

Rule/Regulation Citation(s):	Federal Rule: <u>  X  </u> State Regulation: <u>  </u> Description
40 C.F.R. Part 60, Subpart OOO	Standards of Performance for NonMetallic Mineral Processing Plants
Interpretation Request:	
Title 40 Code of Federal Regulations (C.F.R.) Part 60, Subpart OOO regulates nonmetallic mineral production and specifies “storage bin” as an affected facility. Does this applicability extend to “open stockpiles”?	
Determination:	
The applicability of 40 C.F.R.Part 60, Subpart OOO does not extend to “open stockpiles”.	

## Air Rule Interpretation Summary Form

Code Number	60000.006
April 9, 1999	

Rule/Regulation Citation(s):	Federal Rule: <u>  X  </u> State Regulation: <u>    </u> Description:
40 C.F.R. 60, Subpart 000 § 60.670 and § 60.671	Standards for Nonmetallic Mineral Processing Plants
Interpretation Request:	
Title 40 Code of Federal Regulations (C.F.R.) Part 60, § 60.671 specifically lists materials which are defined as non-metallic minerals. The list contains various types of clays which are all directly removed from the ground without further processing. Once the raw clay has been processed in the kiln, it is expanded and vitrified to form lightweight aggregate clinker. Since lightweight aggregate has not been defined as a non-metallic mineral, would 40 C.F.R. Part 60, Subpart 000 be applicable after the material falls from the kiln?	
Determination:	
After expansion and vitrification in the kiln, which alters the physical and chemical makeup, the lightweight aggregate clinker no longer meets the definition of nonmetallic mineral contained in 40 C.F.R § 60.671, and Subpart 000 is no longer applicable.	

### Bibliography:

Richard J. Lewis, Sr., *Hawley's Condensed Chemical Dictionary* (Van Nostrand Reinhold, 1993).

Telephone conversation between Kelly Brown, New Source Review Permits Division, Office of Air Quality, TNRCC, and Bill Nueffer, U.S. Environmental Protection Agency, Region VI, NSPS Regulation Development Group, November 7, 1995.

U.S. Environmental Protection Agency, Office of Enforcement and Compliance Assurance; *Regulatory and Inspection Manual for Nonmetallic Mineral Processing Plants (Revised)*, EPA 305-B-97-008, November 1997.

U.S. Environmental Protection Agency, Office of Enforcement and Compliance Assurance; *Profile of the Stone, Clay, Glass, and Concrete Industry*, EPA 310-R-95-017, September 1995.

Please note, in the event that an external customer feels that this rule interpretation is in error or a source of information has been overlooked which would change the determination, a request for reconsideration may be submitted. Requests must be submitted on a Reconsideration Process Form which is available at the TNRCC's homepage: <http://www.tnrcc.state.tx.us/air/opd/rmhmpg.htm>, or from any of the air rule interpretation team members.

## Air Rule Interpretation Summary Form

Code Number	60000.007
April 14, 1997	

Rule/Regulation Citation(s):	Federal Rule: <u>  X  </u> State Regulation: <u>  </u> Description:
40 C.F.R. 60, Subpart 000	Standards for Nonmetallic Mineral Processing Plants
Interpretation Request:	
Title 40 Code of Federal Regulations (C.F.R.) Part 60, Subpart 000 specifically lists materials which are defined as nonmetallic minerals. The list contains eighteen minerals which were selected on the basis of production tonnage. Since slag has not been defined as a nonmetallic mineral, would 40 C.F.R. Part 60, Subpart 000 be applicable to slag processing operations which use slag as an aggregate material?	
Determination:	
Title 40 C.F.R. 60, Subpart 000 is not applicable to slag processing operations, because the original ore is expanded and vitrified in a furnace which alters the physical and chemical makeup of the ore producing a slag by-product that does not meet the definition of a nonmetallic mineral in 40 C.F.R. § 60.671.	

### Bibliography:

Title 40 C.F.R. § 60.671 (June 9, 1997)

48 Fed. Reg. 39,568 (August 31, 1983)

50 Fed. Reg 31,331 (August 1, 1985)

61 Fed. Reg. 33,415 (June 27, 1996)

62 Fed. Reg. 31,359 (June 9, 1997)

Richard J. Lewis, Sr., *Hawley's Condensed Chemical Dictionary* (Van Nostrand Reinhold, 1993).

U.S. Environmental Protection Agency, Office of Enforcement and Compliance Assurance; *Regulatory and Inspection Manual for Nonmetallic Mineral Processing Plants (Revised)*, EPA 305-B-97-008, November 1997.

*Air Pollution Engineering Manual*, Air & Waste Management Association (Van Nostrand Reinhold, 1992).

Please note, in the event that an external customer feels that this rule interpretation is in error or a source of information has been overlooked which would change the determination, a request for reconsideration may be submitted. Requests must be submitted on a Reconsideration Process Form which is available at the TNRCC's homepage: <http://www.tnrcc.state.tx.us/air/opd/rimhmpg.htm>, or from any of the air rule interpretation team members.  
[ AOPDG95A/11227-v2]



## Air Rule Interpretation Summary Form

Code Number	60000.008
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Applicability of NSPS Subpart OOO to mixing operation where pigments are added to a clay mix.	September 8, 1999
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<b>Rule/Regulation Citation(s):</b> 40 C.F.R. Part 60, Subpart OOO § 60.670(a)(1) and § 60.671	<b>Federal Rule:</b> <u>  X  </u> <b>State Regulation:</b> <u>  __  </u> <b>Description:</b> Standards of Performance for Non-metallic Mineral Processing Plants
<b>Interpretation Request:</b>	
Title 40 Code of Federal Regulations (C.F.R.) § 60.671 defines a non-metallic mineral processing plant as “any combination of equipment used to crush or grind any non-metallic mineral.” At a brick plant, pigments, baghouse returns, and clay returns are added to the ready clay mix and sent to a mixer. For the brick plants, what is the last point of potential applicability of Title 40 C.F.R. Part 60, Subpart OOO?	
<b>Determination:</b>	
Title 40 C.F.R. Part 60, Subpart OOO is applicable to emission units which meet the definition of an affected facility in the Title 40 C.F.R. § 60.670(a)(1) which processes non-metallic minerals. Title 40 C.F.R. Part 60, Subpart OOO, § 60.671 includes clay in the list of non-metallic minerals. The addition of pigments, baghouse returns, and clay returns does not affect the chemical composition of the clay. Thus, the affected facilities and transfer points which process the clay are subject to Title 40 C.F.R. Part 60, Subpart OOO until the clay is vitrified in the kiln.	

### Bibliography:

Title 40 C.F.R. § 60.670(a)(1) (Aug. 1, 1985)

Title 40 C.F.R. § 60.671 (Aug. 1, 1995)

Air RIT Interpretation/Opinion, Control Number 60000.006

U.S. Environmental Protection Agency, Office of Enforcement and Compliance Assurance, *Regulatory and Inspection Manual for Non-metallic Mineral Processing Plants (Revised)*, EPA 305-B-97-008 (Nov. 1997).

Letter from Mr. John B. Rasnic, Director of Manufacturing, Energy, and Transportation Division, U.S. Environmental Protection Agency Office of Compliance to Addressees (Oct. 23, 1997).

Please note, in the event that an external customer feels that this rule interpretation is in error or a source of information has been overlooked which would change the determination, a request for reconsideration may be submitted. Requests must be submitted on a Reconsideration Process Form which is available at the TNRCC's homepage: <http://www.tnrcc.state.tx.us/air/opd/rmhmpg.htm>, or from any of the air rule interpretation team members.

## Air Rule Interpretation Summary Form

Code Number	60000.009
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Applicability of §§60.672(a), (c) or (e)(2) to an enclosed building without a vent.	December 7, 1999
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Rule/Regulation Citation(s):	Federal Rule: <u>  X  </u> State Regulation: <u>  </u> Description:
40 C.F.R. Part 60, Subpart OOO §§60.672(a), (b), (c), (e)(1), and (e)(2) §§60.675(b) and (c)	Standards of Performance for Non-metallic Mineral Processing Plants
Interpretation Request:	
<p>An enclosed building contains several different affected facilities (screening operations, grinding mills, conveyor transfer points, etc.) within the enclosure. The enclosed building does not contain a vent or have stack emissions, as defined by Title 40 Code of Federal Regulations (C.F.R.) Part 60, § 60.671. However, the building has windows and doors. Per 40 C.F.R. § 60.672(e) affected facilities enclosed in a building must comply with either 40 C.F.R. §§ 60.672(a), (b), and (c) or 40 C.F.R. §§ 60.672(e)(1) and (e)(2). Because the enclosure does not contain a vent or have stack emissions, would the requirements of 40 C.F.R. § 60.672(e)(2) apply? If the owner or operator chooses to comply with 40 C.F.R. §§ 60.672(a), (b), and (c) what are the proper emission limitations for this type of enclosure?</p> <p>In addition, Test Method 9 (40 C.F.R. Part 60, Appendix A) is a required procedure for determining compliance with 40 C.F.R. §§ 60.672(a), (b), and (c). Due to requirements of 40 C.F.R. § 60.675(c)(1)(ii), concerning the position of the observer relative to the sun and the emission source, is it possible to conduct a Test Method 9 test inside an enclosure?</p>	
Determination:	
<p>Title 40 C.F.R. §§ 60.672(a) and (e)(2) are not applicable standards for nonmetallic mineral processing plants that have enclosures (that can contain numerous affected facilities) without vents or stack emissions. Therefore, the owner or operator must choose whether or not the enclosure will comply with 40 C.F.R. §§ 60.672(b) and (c), for each affected facility within the building, or the building enclosing the affected facilities must comply with the no visible emission standard of 40 C.F.R. § 60.672(e)(1). Please note that the 15 percent opacity standard in 40 C.F.R. § 60.672(c) applies only to affected crushers (which do not utilize a capture system) contained in the enclosure.</p> <p>If the owner or operator elects to comply with the emission limits of 40 C.F.R. §§ 60.672(b) and (c), for each affected facility within the enclosure, then compliance with the applicable fugitive emission opacity standard (10 or 15 percent), as determined by Test Method 9 (40 C.F.R. Part 60, Appendix A), must be conducted inside the enclosure. Proper artificial lighting may be supplied to aide the observation conducted inside the enclosure. In addition, artificial contrasting backgrounds may be used.</p>	

Bibliography:

Title 40 C.F.R. 60, Subpart OOO (July 1, 1997)

U.S. Environmental Protection Agency, Office of Enforcement and Compliance Assurance; *Regulatory and Inspection Manual for Nonmetallic Mineral Processing Plants (Revised)*, EPA 305-B-97-008, November 1997.

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