Code	Date of Response	Question	Affected Regulation	Determination	Discussion
SSR/1	*	Does replacement capacity have to produce the same product? (e.g., can a BOF & a coke battery "replace" a closed coke battery?)	51.18 (Part IV.C.3)	Conditional	Credit for replacement capacity occurring prior to the date of the new source application is filed can only be applied where the applicant can establish that it shut down or curtailed production after SIP approval as a result of enforcement action. This type of curtailment can only be applied to like sources (i.e. coke battery for coke battery) or where sources serve the same function (i.e. electric arc furnace for open hearth). However, source shutdown occurring at the time the new source application is submitted may be used to offset emissions for any new source.
SSR/2	*	With regard to hydrocarbons can any credit be taken for inspection and maintenance (I&M)?	51.18 (Part IV.C)	Conditional	In those non-attainment areas identified as needing a plan revision or where a study is required to determine the necessity of a plan revision, control beyond reasonably available control technology (RACT) is required for any emission offset. With respect to this policy, I&M has been identified as the level of control commensurate with RACT. Therefore, in these areas no emission credit can be taken for I&M. However, where the SIP is adequate; emission offsets obtained through the application of I&M are acceptable.

Code	Date of Response	Question	Affected Regulation	Determination	Discussion
SSR/3	*	Where sludge is prohibited from being discharged to waterways, and an incinerator is therefore necessary, would this incinerator be exempted under the conditions of paragraph IV-B?	51.18 (Part IV.B)	Conditional	The exemption in paragraph IV-B "Exemptions from Certain Conditions" applies in those instances where either (1) a source must switch fuels due to a lack of adequate fuel supplies or (2) where a source is required as a result of EPA regulations to install additional process equipment and no exception from such an EPA regulation is available to the source. The construction of this source depends on the interpretation of the second condition. This exemption must be limited in its application to only those sources requiring additional capacity. If there is an existing sludge incinerator which would require additional capacity, then expansion of this facility may be considered. However, if it meant the construction of a new source then the policy should be interpreted to require the source to either find the necessary offsets or to select an alternate location.
SSR/4	*	With respect to Condition 2., are state orders not a part of the official SIP satisfactory?	51.18 (Part IV A Condition 2)	No	The crux of Condition 2 is that the required compliance of the sources in question be Federally enforceable. Thus, it would be necessary, in the situation where a state order is issued, that EPA issue a tracking order, or that the state order become part of the SIP.

Code	Date of Response	Question	Affected Regulation	Determination	Discussion
SSR/5	*	In considering the shutdown policy, in which past closures are not normally "traded", what defines "past"? Is it the permit-submittal date, April 1976, or some other point in time.	51.18 (Part IV C.3.)	Conditional	Source shutdowns occurring prior to the date the new source application is filed generally may not be used for emission offset credit. However, where the applicant can establish that it shutdown, approval as a result of enforcement action providing for a new source as a replacement for the shutdown, credit for such shutdown can be applied to offset emissions from the new source. Therefore, with this one exception the significant date is that of the filing of the new source application.
SSR/6	*	A State not currently administering the NSR for attainment/maintenance of NAAQS now wishes to develop its own program. Is it sufficient if States require the review of all new sources with a yearly potential of 100 tons and larger for purposes of administering the interpretative ruling?	51.18	Yes	Since 100 ton potential sources are typically smaller than our definition of point source this would be permissible.
SSR/7	3/17/77	Can EPA require two-for-one emission offsets?	51.18 IV.A (Condition 3)	No	The interpretative ruling requires that the new source acquire more than equivalent emission offsets. This, however would only require the source to obtain emission offsets of more than one-for-one.

Code	Date of Response	Question	Affected Regulation	Determination	Discussion
SSR/8	4/8/77	Is the relocation of an existing asphalt concrete plant subject to the interpretative ruling when there is no increase in emissions?	51.18 II.B	Conditional	Well controlled asphalt concrete plants which emit less than 100 tons per year will not be subject. However, if any large asphalt concrete plant (greater than 100 tons/year) should relocate, it will be subject to the provisions of the interpretative ruling.
SSR/9	4/13/77	Is a source that will emit less than 100 tons per year after control subject to the interpretative ruling, if it will not have the control equipment installed until 6 to 12 months after commencement of operation?	51.18 II.B	Yes	Since the source's allowable emission rate at the time it commences operation will be in excess of 100 tons per year the offset policy must be applied.
SSR/10	4/15/77	What is the definition of allowable emission rate under the Emission Offset Policy?	51.18 II.B	—	Allowable annual emissions shall be based on the applicable new source performance standard or the applicable SIP emission limitation. Included within the applicable SIP may be a new source permit condition issued pursuant to §51.18.
SSR/11	4/15/77	Is a coke battery, which will be rehabilitated by replacing all brickwork, installing completely new off-take piping, buckstays, tie rods, coke oven doors, and coke oven jambs subject to the interpretative ruling?	51.18 II.B	Yes	The coke oven will be rebuilt to such an extent, that it is considered a new source.

Code	Date of Response	Question	Affected Regulation	Determination	Discussion
SSR/12	5/6/77	Does the emission offset policy apply to FEA's Strategic Petroleum Reserve (SPR) Program and specifically to the Choctaw salt dome project?	51.18 II.B	No	It was not the intent of the interpretative ruling to cover situations where emissions occur for only a relatively short period of time and are associated with the construction of a new project.
SSR/13	5/12/77	Can a NC source go outside the AQCR to obtain necessary offsets?	51.18 D	Yes	A source may go outside the AQCR to obtain necessary emission offsets provided these offsets fall within areas bound by the circles of applicability.
SSR/14	5/16/77	May the emission decreases effected by the closure of the Bartrum incinerator be used to offset the emissions from the proposed new refuse-fired steam generator?	51.18 IVC.3	No	Since the source was closed prior to submittal of the application for the new source, and its closure was not a result of an enforcement action providing for the new source, it cannot be used as an emission offset.
SSR/15	6/8/77	a) Is a new 100 ton source a major source where it is being constructed as a replacement for an existing source which emits a greater amount.	51.18 II.B	(a) Yes	a) A proposed new source with an allowable emission rate exceeding 100 tons/year is considered a major source, even though such a source may replace an existing source with the result that the net additional emissions are increased by less than the above amounts.
		b) Do the conditions of Part IV.A apply?	51.18 IV.A	(b) Yes	b) The test as to whether a source would exacerbate an existing violation is whether the source would emit pollutants into an area violating an NAAQS-- not

Code	Date of Response	Question	Affected Regulation	Determination	Discussion
SSR/15 (con't.)					whether the "net effect" of the source's construction is an increase in emissions.
		c) What is the rationale for requiring a replacement source to meet LAER if a net air quality benefit will accrue as a result of its construction?	51.18 IV. A	- -	It is EPA's judgment that a new source should be allowed to emit pollutants into an area violating a NAAQS only if its contribution to the violation is reduced to the greatest degree possible.
SSR/16	6/13/77	a) Is a modelling analysis required to determine whether the offset requirements are applicable?	51.18 II	Conditional	a) Section II. C of the Interpretative Ruling states that atmospheric simulation modelling need not be applied where a source will clearly impact on a receptor which exceeds a NAAQS.
		b) Is the determination of applicability made on the basis of existing air quality or projected air quality as of the proposed source's startup date?	51.18 II	- -	b) The Interpretative Ruling applies to areas of non-attainment air quality existing at the time of the major source startup.
		c) What anticipated improvement in air quality would be considered in the determination of projected air quality in the impacted area?	51.18 II	- -	c) Any enforceable commitments to achieve emission reductions or any to allow emission increases on or before new source operation should be taken into account along with existing air quality levels and the projected air quality impacts of the major new source.

Code	Date of Response	Question	Affected Regulation	Determination	Discussion
SSR/16 (con't)		d) How is non-attainment defined when there is inadequate monitoring data?	51.18 II	- -	d) The preferable approach would be to determine the source's impact on air quality through dispersion modelling.
		e) Where data is available but the status of standards attainment varies because of differing meteorological conditions how is the determination of applicability made?	51.18 II	- -	e) Any air quality variations due to yearly changes in meteorology should be addressed through worst case consideration of an adequate meteorological data base (typically 5 years).
		f) Does Condition 2 require all sources under the same ownership as the proposed source to be in compliance with SIP requirements for all pollutants or just those pollutants for which standards are not being attained?	51.18 IV A	- -	f) Condition 2 of the Interpretative Ruling requires all sources within the same AQCR under common ownership with the major source to be in compliance with all emission constraints associated with any pollutant for which an ambient standard exists. See SSR/22 for the only exemption.
		g) Is EPA prepared to enforce Condition 5, if SIP revisions are not approved or promulgated on time?	51.18 IV A	Yes	g) See 1977 Clean Air Act Amendments for further clarification of this issue.
		h) If the definition of "major source" is subsequently revised, how will that definition apply to sources who applied for or received approval prior to the definition revision?	51.18 II B	- -	It is customary that amended definitions or policies apply only to applicable events after the date that any change appears in the Federal Register.

Code	Date of Response	Question	Affected Regulation	Determination	Discussion
SSR/17	6/17/77	Does the emission offset policy apply to FEA's Choctaw Salt Dome project's emissions from tanker ballasting and barge loading associated with the storage and withdrawal from storage of crude oil?	51.18 IV.A	No	This determination is based on the fact that such emissions were to be temporary and would occur only during the fill phase of the project. If these emissions had continued over the life of the project, as generally would be the case with storage facilities associated with a new marine terminal or a new refinery, the Choctaw Salt Dome project would have been subject to the Interpretative Ruling.
SSR/18	7/15/77	(a) How should the term "allowable emissions' be used to ensure "real" offsets?	51.18 IV.C	--	a) The ruling indicates that emission offsets should generally be made on a pounds-per-hour basis when all facilities involved in the emission offset are operating at the maximum expected production rate. Use of pounds-per-hour should help negate false emission offset credits that would result from the use of annual emissions and low annual capacity factors. Since the use of annual emissions may also be appropriate, it would be advisable to use the historical annual capacity factor for the source providing the offsets.
		(b) Must the secondary emissions from electric power generation needed to supply a new source be required to get offsets?	51.18 IV.A.	No	b) Since the additional electricity could presumably be geneted anywhere on the power supply grid, the amount and location of the secondary emissions might vary significantly and thus do not meet the test of footnote 3 of the interpretative ruling.

Code	Date of Response	Question	Affected Regulation	Determination	Discussion
SSR/19	8/12/77	Since EPA requires PSD review in non-attainment areas to insure the increment will not be violated in an attainment area, and the Interpretative Ruling requires all major sources to be reviewed as well, a conflict arises as to the level of control required. Should EPA require BACT under PSD and then require the State to assure application of LAER under the Interpretative Ruling?	51.18 IV A	--	While the PSD regulations, as presently written, require EPA to grant approval for a PSD source if all the requirements of PSD are met, it is within EPA's discretion to condition that approval on the ability of the source to satisfy all other Federal and State environmental requirements. This issue has been addressed by the Congress in the 1977 Clean Air Act Amendments. These amendments require a PSD source to satisfy the attainment and maintenance provisions of new source review.

Code	Date of Response	Question	Affected Regulation	Determination	Discussion
SSR/20	8/17/77	Does the Clean Air Act (Interpretative Ruling) require consideration of secondary impacts of new air pollution sources in determining the sufficiency of emission offsets?	51.18 IV A	CONDITIONAL	The Interpretative Ruling would mandate the assessment of secondary emissions. However, States clearly have the option to consider such emissions and require additional offsets for them.
SSR/21	8/19/77	Same as SSR/18 (a)	51.18 IV c	---	Same as SSR/18 (a)
SSR/22	8/26/77	Does condition 2 of the Interpreative Ruling apply to U.S. Steel's proposed replacement facilities?	51.18 IV.A	NO	Condition 2 does not presently apply to a replacement facility which is less polluting than the facility being replaced.
SSR/23	9/15/77	Is a source which ceases operation in 1976 due to economic conditions and is planning to re-open after a change in ownership subject to the interpretative ruling?	51.18 II B	CONDITIONAL	The source's change in ownership will not bring it within the applicability of the interpretative ruling. It will not be a modified source either provided that: (1) The source closed at its own discretion, and the applicable SIP allowed its continued operation (2) The source will maintain its emission level consistent with the applicable SIP, and (3) The State continued to maintain this source in its active emission inventory and control strategy.

Code	Date of Response	Question	Affected Regulation	Determination	Discussion
SSR/24	9/26/77	Is a source which locates within a non-attainment area subject to the IR regardless of its calculated impact?	51.18	yes	The preamble to the IR States that a major source locating in the middle of an area that exceeds standards clearly will exacerbate the existing violations.
SSR/25	9/30/77	If a coke battery is replaced, are existing coal handling facilities, the by-product plant, the quench tower, etc., all subject to LAER?	51.18 II B	no	The IR applies only to that portion of the major source which is undergoing some new construction or modification and which will result in an increase of greater than 100 tons/year of allowable emissions.
SSR/26	10/17/77	In a case where a proposed new boiler is designed for use on low sulfur #2 oil with a standby capability of burning higher sulfur #6 oil, would the State be required to do its air quality impact assessment on the basis of the standby fuel?	51.18	---	In order to protect the short term ambient air quality standard, the State should base the analysis of the source on the higher sulfur content #6 fuel oil.
SSR/27	10/27/77	a) Are the separate emissions from independent processes accumulated to determine application of the IR?	a) 51.18	a) yes	a) Applicability of the IR is triggered when the allowable emissions of any air pollutant for which non-attainment exists increases by 100 tons or more/year. This can be reached by one large facility or several smaller facilities.

Code	Date of Response	Question	Affected Regulation	Determination	Discussion
	(CONTINUATION)				
SSR/27		b) Are shutdowns considered when determining applicability?	b) 51.18 II	b) NO	b) Shutdowns are not included in determining applicability of the IR, but are only used as means for obtaining the necessary offsets.
		c) Can shutdowns be applied as offsets, if they occur prior to the construction of a new source?	c) 51.18 IV.C.3	c) Conditional	c) Shutdowns may be used to provide offsets if they are proposed at the time of the new source application.
		d) What portion of emissions reduction resulting from a shutdown can be used to provide emission offsets?	d) 51.18 IV.C.3	d) - -	d) The emission reduction resulting from shutdown may be used only for that portion of the shutdown occurring prior to operation of the new source.
		e) May the difference between SIP allowed emissions and actual emissions be used as an offset?	e) 51.18 IV A	e) Yes	e) See SSR/18 (a)
SSR/28	10/27/77	Is banking of emissions allowed for future growth?	51.18 IV C. 6	No, however	The no banking rule does not prohibit the issuance of a single permit to cover more than one phase of a phased construction project. Similarly for state-initiated emission offsets several different sources may be allowed to construct as part of a general SIP revision, so long as the plans for each source are definite and such sources are specifically identified as the recipients of the emission offset credits in the SIP revision.

Code	Date of Response	Question	Affected Regulation	Determi-nation	Discussion
SSR/29	10/31/77	What criteria will be used to determine whether a reconstructed source is subject to the IR?	- -	- -	Since the new source review program's responsibility lies primarily with the State, it has been EPA's policy to defer any determination of applicability of new source review to the State. However, if the State should default or take an extremely lenient view EPA will rely on the criteria established in 40 CFR 60.15.
SSR/30	11/3/77	What is the emission baseline for a source with no applicable SIP requirement, but which is controlled?	- -	- -	Where the applicable SIP does not contain an emission limitation for a source or source category, the emission offset baseline involving such sources shall be the actual emissions at the time the permit request is filed.

Code	Date of Response	Question	Affected Regulation	Determination	Discussion
SSR/31	11/7/77	Does the IR apply for CO if:			
		a) Six 100 ton per day modules are built and located at the same physical location?	a) 51.18,II,B	a) Yes	a) Source is defined as any building, structure, facility, or operation (or combination thereof). Since all the facilities will be locating at one physical location and the combination of these exceeds the emission rate of 1000 tons per year, they will be subject to the IR.
		b) Six 100 ton per day modules are built and located at different sites throughout the county?	b) 51.18.II.B	b) No	b) Since a single 100 ton per day module does not emit the amount of CO necessary to qualify as a major source and all the facilities will be located at separate locations, they will not be subject to the IR.
		c) Three 200 ton per day modules are built and located at the same physical site?	c) 51.18.II.B	c) Yes	c) Since one 200 ton per day module will emit in excess of 1000 tons per year individually each module will be subject to the IR on its own merits.
		d) Three 200 ton per day modules are built and located at different sites throughout the county?	d) 51.18.II.B	d) Yes	d) Same as (c).
		Does the IR apply for HC if:			
		e) Six 100 ton per day modules are built and sited at the same physical location?	e) 51.18.II.B	e) Yes	e) Same as (a) except that the combination will emit in excess of 100 tons per year.

Code	Date of Response	Question	Affected Regulation	Determination	Discussion
SSR/31 (con't)		g) Three 200 ton per modules are built and are located at the same physical site?	g) §51.18.II.B	g) Yes	g) Since one 200 ton per day module will have an allowable emission rate in excess of 100 tons per year, each module will be subject to the IR on its own merits.
		h) Three 200 ton per day modules are built and sited at different locations throughout the county?	h) §51.18.II.B	h) Yes	h) Same as (g).
SSR/32	12/30/77	Are the construction of United States Steel Corporation's new Q-BOP vessel, blast furnace, and coke battery at their Fairfield Works subject to the IR?	§51.18.II.B	Yes	Although these facilities may have been permitted by the State of Alabama, and/or commenced construction prior to the date of publication of the IR, they are still in violation of the requirements of 40 CFR 51.18. Therefore, in order for these facilities to continue construction and to begin operation, they must conform to the requirements of the IR.

Code	Date of Response	Question	Affected Regulation	Determination	Discussion
SSR/33	1/1/78	Is a source which resumes operation after being shut-down for a period of time subject to the IR?	51.18.II.B	Conditional	If a source is explicitly excluded from the State Implementation Plan control strategy and the attainment of the NAAQS is predicated upon its closure, such source would be considered a new source upon re-startup and therefore subject to the IR.
SSR/34	1/5/78	Does the construction of coke batteries Nos. 3 & 11 at the Youngstown Steel Indiana Harbor Plant constitute new sources for purposes of the IR?	51.18.II.B	Yes	Since battery No. 11 is a brand new battery, it will be considered a new source for purposes of the IR. Battery No. 3 will be rebuilt from the "pad-up" and must therefore be evaluated against the criteria established in the New Source Performance Standards (NSPS) 40 CFR 60.15 "Reconstruction" to determine whether it constitutes a new source and subject to the IR.
SSR/35	1/25/78	Are sources which locate in clean portions of non-attainment areas subject to the IR?	51.18.II.C	- -	The source would not be required to comply with the IR, if the source could demonstrate that it did not cause or exacerbate an existing violation of the standard.
SSR/36	1/25/78	Are major sources of methyl-chloroform subject to the IR?	51.18.II.B	No	Methyl-chloroform is not considered as a volatile organic compound, it does not contribute to the formation of photochemical oxidants and is therefore exempt from the requirements of the IR.

Code	Date of Response	Question	Affected Regulation	Determination	Discussion
SSR/37	2/14/78	Is the proposed modification to the Wheland Foundry subject to the requirements of the IR, even though the equipment being replaced has higher actual and allowable emissions than the new equipment?	51.18 II.B	Yes	Any new source or replacement source that has allowable emissions of 100 tons or more per year locating in a non attainment area, and which will contribute to a violation of a NAAQS, is required to meet all the requirements of the IR, even if the total of 100 tons is obtained by summing a number of individual replacement actions, each of which by itself has an allowable emission rate of less than 100 tons per year.
SSR/38	3/8/78	Is a source which removes two existing paint lines and replaces them with a single line performing the identical task, and which will also result in a net decrease of emissions subject to the IR?	51.18 II.B	Yes	If the new paint line has an allowable emission level equal to or greater than 100 tons per year, and those emissions will contribute to a violation of a NAAQS, the IR will apply. The two existing paint lines, which are being replaced may provide for the necessary emission offsets.
SSR/39	3/23/78	At what point in time should LAER determinations be made?	51.18 IV.A	- -	LAER should be determined for a given facility at the time the application for a new source review permit is received. However, the permit should contain some restriction so as to provide that LAER may be revised should the facility be unable to proceed on a continuous program of construction.

Code	Date of Response	Question	Affected Regulation	Determination	Discussion
SSR/40	3/28/78	a) Should the proposed 33 new ovens considered for construction by Jewell Coal and Coke be considered as replacement facilities?	51.18 IV.C.3	- -	a) Jewel Coal and Coke can only apply the decrease in emissions from the shutdown batteries 1 and 5 for that portion of the emissions which is related to the replacement capacity of the ovens. Since the 33 new ovens will provide an additional 46% capacity, the 33 new ovens cannot be considered entirely as a replacement facility.
		b) Can Condition 2 of the IR be waived?	51.18 IV.A	b) NO	b) Although EPA has, in the past suspended Condition 2 for replacement type facilities, such a suspension for Jewell Coal and Coke is not warranted, since it entails more than a replacement.

Code	Date of Response	Question	Affected Regulation	Determination	Discussion
SSR/41	4/11/78	Ecol received a permit for a new refinery but failed to complete construction and sold out to Marathon. Marathon revised the proposal and obtained a new permit in Oct. 1977, which allowed in excess of 100 tons per year of hydrocarbon emissions. Are the permitted but never constructed facilities permissible as offset sources?	51.18 IV A	Conditional	Credit for offset is conditional on whether the original permit issued to Ecol was consistent with the requirements of 51.18. If the original permit is determined to be valid, that is, emissions from the permitted source would not have interfered with the attainment or maintenance of any NAAQS or SIP, then those portions of the facility which have not yet been constructed may be used as emission offsets. If the permit was not issued consistent with 51.18, no emission offsets are available to Marathon.
SSR/42	4/26/78	Lines K-0 and K-8 at CertainTeed Corporation are existing product lines which will be undergoing some construction, resulting in an increase in allowable emissions for a few of the facilities on these lines. Will these be subject to the ruling?	51.18 II B	Yes	Those facilities which will have an increase in allowable emissions are subject to the ruling, since the total increase in allowable emissions from the phased construction and modification program at CertainTeed exceeds 100 tons per year. Thus, each increment of the program which will result in an increase in allowable emissions is subject to the ruling. Those facilities which will have a decrease in allowable emissions as a result of the construction program are not considered modified sources, are not subject to the ruling, and can be used to offset allowable emission increases at the other facilities.

Code	Date of Response	Question	Affected Regulation	Determination	Discussion
SSR/43	5/22/78	Will rehabilitation of Wheeling-Pittsburgh Steel Monessen Coke Battery No. 1 sufficient to achieve compliance with Pennsylvania environmental regulations result in the application of the interpretative ruling?	51.18 IIB	Yes	The needed rehabilitation is at least 51%-69% of the cost of a comparable entirely new facility. The reconstruction rule is, therefore, met and the battery is classified as reconstruction and since allowable emissions from the battery exceed 100 tons/year, it is subject to the Ruling.
SSR/44	6/13/78	What treatment is to be given to secondary emissions under the offset ruling?	51.18 III, Footnote 3		The revised emission offset policy defines "secondary emissions" as emissions from new or existing sources which occur as a result of the construction and/or operation of a major source or major modification, but do not come from the source itself. Secondary emissions must be specific and well-defined, must be quantifiable, and must impact the same general nonattainment area as the major source which causes the secondary emissions. Secondary emissions need not be considered in determining whether the emission rate cutoff points would be exceeded. However, if a source is subject to the offset ruling on the basis of the direct emissions from the source, the applicable conditions of the ruling must also be met for secondary emissions.

Code	Date of Response	Question	Affected Regulation	Determination	Discussion
SSR/45	9/18/78	Would the combustion of municipal sewage sludge qualify as "municipal solid waste" and thus be exempt from the interpretative ruling?	51.18 IV B	Yes	As defined in the Resource Conservation and Recovery Act, sewage sludge would qualify as solid waste under RCRA and would be exempt from the interpretative ruling.

CODE	REFERENCE	QUESTION	AFFECTED REGULATION	DETER-MINATION	DISCUSSION
SSR-46	Memo (Nicols to Reed) 2/6/79	a) A waste wood-fired boiler is to be located 25 miles from an ozone nonattainment area. What must the source do to demonstrate whether or not it will cause or contribute to a violation of the ozone standard?	Appendix S, II. C		Unless specific data are available to define the impact of a VOC source, VOC sources locating within 36 hours travel time (under wind conditions associated with oxidant concentrations exceeding the NAAQS for oxidants) of a nonattainment monitor will be defined as causing or contributing to a violation of the ozone standard.
		b) What must the source do to demonstrate whether or not it will impact the ozone nonattainment area?			The source must demonstrate that it is beyond 36 hours travel time from a nonattainment monitor or that it will have "virtually no effect" on any area exceeding the ozone standard. The "virtually no effect" exemption is only intended for remote rural sources whose emissions would be very unlikely to interact with other significant sources of VOC or NO_x to form additional oxidant. Such a demonstration might include a showing that the proposed source would be located in any area that is not subject to multiday stagnation conditions and that VOC and NO_x emissions within 36 hours travel time are minimal.
		c) What constitutes a significant impact of the ozone nonattainment area?			Since there are no significance levels provided for ozone, any impact from a major source is determined to be significant if within 36 hours travel time.
SSR-47	Memo to Region VI, 2/27/79	Should ballasting and lightering emissions be considered secondary emissions?	Appendix S II.G	Yes	Neither ballasting nor lightering emissions arise from the operation of the dock itself, as opposed to transportation to the dock, and therefore neither may be considered direct emissions of the dock. However, both arise as a direct consequence of the dock and dome construction and operation, and both may therefore be considered secondary emissions of the dock and domes. Consequently, an increase in emissions (including ballasting or lightering emissions) associated with any dock, regardless of whether that dock is new, modified or unchanged, should be considered to be secondary emissions to be allocated proportionately among the storage domes which are fed from that dock. If the dock itself is subject based on its direct emissions, the ballasting and lightering emissions from the dock would be dealt with as secondary emissions to the dock and need not be considered in reviewing the storage domes fed from that dock.

CODE	REFERENCE	QUESTION	AFFECTED REGULATION	INTERPRETATION	DISCUSSION
SSR-48	Memo (Reich to Blomgren) 2/27/79	A National Can plant was closed 11/77. A new Reynolds metal can plant is to be built several blocks from the closed facility, in the same nonattainment area. The spot vacated by the closed facility is now occupied by a totally different plant. Should the new plant be considered a replacement facility, in which case credit from the closed facility may be applied to offset emissions from the new plant?	Appendix S, Footnote 6	No	Although fulfilling the time requirement specified in Footnote 6 (the source shutdown occurred after the date of enactment of the 1977 Clean Air Act Amendments), this does not fulfill the requirement that the new source clearly be a replacement. The new source will be constructed at a different location by a different company, and at a time nearly two years after the old source closed down. This situation does not represent a replacement, and is not covered under the provisions of footnote 6.
SSR-49	Memo (Reich to A[illegible]) 4/2/79	Crucible desires to construct two electric arc furnaces in a nonattainment area, and will be governed by the original Emission Offset Policy of December 21, 1976. All existing sources owned or controlled by Crucible in the same AQCR are in compliance with a state court timetable, but the timetable contains no provisions for federal enforcement. Is condition 2 satisfied?	Appendix S, IV.A December 21, 1976 EOP, Section IV.A	No	Since the state court decree is not federally enforceable, condition 2 is not met and the permit application cannot be approved. The compliance timetable was not the subject of an enforcement order under §113 and is not part of the SIP. See SSR-4. The revised Emission Offset Policy is consistent with this approach regarding condition 2, saying that all existing sources owned or operated by the applicant must be in compliance with all emission limitations and standards under the Act (or in compliance with an expeditious schedule which is federally enforceable or contained in a court decree). NSR has interpreted this as meaning a federal court decree.
SSR-50	Memo (Barber to Air & Hazardous Division Directors) 10/24/80	The dual definition of source in nonattainment regulations focuses on both the plant an. an installation within the plant. How is installation interpreted?	45 FR 52742 (8/7/80)		If an NSPS identifies an "affected facility", such an affected facility should be considered an installation for purposes of new source review applicability determinations. Where a portion of a plant is not specifically defined as an affected facility, the reviewer should refer to the NSPS approach for guidance as to how small a portion of a plant the term installation should cover.

CODE	REFERENCE	QUESTION	AFFECTED REGULATION	DETER-MINATION	DISCUSSION
SSR-51	Memo (Reich to Kohnert) 2/23/81	An application was submitted on June 27, 1979 for the installation of 15 steam generators. The Offset Policy did not apply because the project would be located in a "clean pocket" of a designated nonattainment area and its impact on the actual nonattainment area was insignificant. The company has not yet received the necessary permits, and the Offset Policy has been revised in the interim to close this "clean spot" exemption. Is this project subject to the Offset Policy?	Part 52, Appendix S,I; 44 FR 38471	Yes	The project is not subject to the construction moratorium because a complete application was submitted prior to July 1, 1979. See 44 FR 38471, July 2, 1979. It is, however, subject to the requirements of the August 7, 1980 Offset Ruling amendments. Under Part 52, Appendix S,I, the Offset Ruling does not apply to any major stationary source or major modification that was not subject to the ruling as in effect on January 16, 1979, if the owner or operator obtained all final federal, state and local preconstruction approvals or permits necessary under the applicable SIP before August 7, 1980. The project was not subject to the January 16, 1979 Offset Ruling, but since it has not yet received final preconstruction permit necessary under the applicable SIP, it cannot be exempted from coverage under the August 7, 1980 Offset Policy amendments, which eliminated the "clean spot" exemption.

CODE	REFERENCE	QUESTION	AFFECTED REGULATION	DETER-MINATION	DISCUSSION
SSR-52	Letter (Reich to Kreutzen) 6/16/81	An application for construction in a nonattainment area was submitted to the Bay Area AQMD, and approval is expected. EPA has approved Bay Area regulations pursuant to the Clean Air Act of 1970, but has not given final approval to Bay Area rules to comply with the 1977 amendments and EPA implementing regulations. Given the current status of the Bay Area plan, would a permit issued for this project by the Bay Area be considered federally enforceable?	40 CFR 51, Appendix S, §II.A.7(v) and II.A.15	Yes	40 CFR 51, Appendix S, §II.A.15, defines federally enforceable as "all limitations and conditions which are enforceable by the Administrator, including those requirements...approved pursuant to 40 CFR 51.18". Provided the original §51.18 permit regulations are still in place, these can continue to be used to establish an enforceable permit condition. Update: EPA has temporarily stayed the requirement that a physical or operational limitation on emissions capacity must be federally enforceable in order to be taken into account in determining if a proposed stationary source or modification would emit a particular pollutant in significant amounts. See 46 FR 36695, July 15,1981

CODE	REFERENCE	QUESTION	AFFECTED REGULATION	DETER-MINATION	DISCUSSION
SSR-53	Letter (Reich to Tompkins) 8/26/81	A cogeneration project with emissions of over 100 tons/year of NO_x is being planned in a NO_x nonattainment area. A provision of the applicable SIP exempts cogeneration projects from the necessity of providing 100 percent of all offsets under certain conditions. EPA declared this provision deficient, but conditionally approved the plan, giving the district until November 7, 1981 to correct this deficiency. Can the cogeneration project take advantage of this exemption by submitting a complete application by November 7?	Clean Air Act, §110(a)(2)(I)	Yes	This is consistent with the approach Congress applied towards growth restrictions at §110(a)(2)(I) of the Clean Air Act. That provision provides that no major stationary source shall be constructed or modified in a nonattainment area after June 30, 1979, unless, as of the time of application for a permit for such construction or modification, the applicable state plan meets Part D requirements. Although the situation in this case is different, the key point in both cases is that an approved plan is being carried out at the time of permit application. Even though the cogeneration provision was declared deficient, it can still be used until November 7 by sources seeking exemptions because the district plan was conditionally approved.