



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

August 17, 2022

Mr. Rick Brunetti, Director  
Bureau of Air  
Kansas Department of Health and Environment  
1000 Southwest Jackson, Suite 310  
Topeka, Kansas 66612-1366

Dear Mr. Brunetti:

This letter is in response to your July 13, 2022, letter with questions on 40 CFR Part 60 Subpart DD, Standard of Performance for Grain Elevators. Each of your questions and or responses are below.

1. 40 CFR 60.300(a) defines "all grain handling operations" as being an affected facility. Would this include all existing grain handling operations installed prior to the facility triggering NSPS Subpart DD and all new grain handling operations that trigger modification or reconstruction in 40 CFR 60.300(b)?

Yes, either the affected facility is subject to Subpart DD or not subject to Subpart DD and all "all grain handling operations" are a single affected facility. Therefore, if "grain handling operations" are modified or reconstructed then all grain handling operations are subject to the requirements in Subpart DD.

- a. How does the regulatory interpretation for question # 1 change if the existing grain handling equipment installed prior to the facility triggering NSPS Subpart DD is not physically altered by the project that triggers NSPS Subpart DD for the facility?

The answer does not change. The affected facility is "all grain handling operations." If the affected facility is modified or reconstructed, the entire affected facility is subject to the standard. It is possible to install new grain handling equipment and not meet the definition of modification or reconstruction as defined in Subpart DD and Subpart A. In that case none of the grain handling equipment, including the new equipment, would become subject to the standard.

2. Are existing grain handling operations built prior to Aug 3, 1978 (NSPS Subpart DD Applicability Date) also included in the "all grain handling operations" affected facility?

Yes, as discussed in response "1" above, because the definition of "grain handling operations" at 40 CFR 60.301, if there is a modification or reconstruction, the affected facility would include all grain handling operations including that portion equipment installed prior to August 3, 1978.



3. If the new grain handling operations are not physically connected to the existing grain handling operations, will they still be included as part of the "all grain handling operations" affected facility? For example, the new grain handling equipment is installed a certain distance (but on the same property or source location) from the existing grain handling equipment, the new grain handling equipment has a separate unloading station, and/or the new grain handling equipment is not connected to the existing control device.

The affected facility is "all grain handling operations" at the grain elevator. Grain elevator means any plant or installation at which grain is unloaded, handled, cleaned, dried, stored, or loaded. Therefore, equipment located on the same grain elevator plant would be considered a single affected facility.

4. When the new grain handling operations trigger NSPS modification or reconstruction, does it mean that only the new grain handling operations are subject to particulate matter and opacity standards in 40 CFR 60.302(b) and 40 CFR 60.302(c)(2), respectively, and not the existing grain handling operations?

The entire affected facility of "all grain handling operations" is required to comply once it is subject to the requirements.

5. The grain elevator built the truck unloading station, truck loading station, and grain handling equipment in 1988 (after August 3, 1978). However, in 1988, the grain elevator has not reached a permanent storage capacity of 2.5 million bushels and therefore, has not triggered NSPS DD yet. When it reached more than 2.5 million bushels in permanent storage capacity in 2021 and triggered NSPS DD, would the constructed equipment in 1988 be subject to NSPS DD without these equipment being modified or reconstructed?

The EPA previously answered this question in a letter, dated December 15, 2011, to the Southwest Clear Air Agency in Vancouver, Washington. This letter is available in the Applicability Determination Index (ADI)<sup>1</sup> with control number 1500024. In 1988, when the equipment was constructed, it was not at a grain storage elevator or grain terminal elevator. Therefore, the standard only applies to affected facilities constructed, reconstructed, or modified on or after the time the elevator became a grain terminal elevator in 2021. The affected facilities installed in 1988 would not be subject unless they modified or reconstructed on or after the permanent storage capacity exceeded 2.5 million bushels.

6. Are conveyors that transfer grain from truck or railcar (i.e. from the receiving pit) and to an elevator leg considered part of the grain receiving/unloading station or are they considered part of the "all grain handling operations" affected facility?

Conveyors would be part of the "all grain handling operations" affected facility.

7. Are the conveyors that transfer grain from an elevator leg to the truck or railcar considered part of the grain shipping/loading station or are they considered part of the "all grain handling operations" affected facility?

Conveyors would be part of the "all grain handling operations" affected facility.

8. Are all conveyors that handle grain included in the definition of grain handling operations in 40 CFR 60.301(l)? The definition of grain handling operations does not include the word “conveyors”, but it does include “other such structure” category.

Conveyors, including belt, drag, and screw conveyors, are grain handling operations.

Please contact Ward Burns at (913) 551-7960 if you have any questions or comments regarding this letter.

Sincerely,

**AMY ALGOE-** Digitally signed by AMY  
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Amy Algoe-Eakin  
Chief  
Air Permitting and Standards Branch  
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