



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

G. Brent Leclerc  
Manager, Environmental Services  
Vulcan Materials Company  
500 N. Brand Boulevard, Suite 500  
Glendale, California 91203

**RE: Request for NSPS Subpart OOO Applicability Determination for Triangle Rock Products, LLC, Sacramento, California**

Dear G. Brent Leclerc:

This letter is in response to a letter from Vulcan Materials Company (VMC) to the United States Environmental Protection Agency (EPA), dated June 29, 2021, regarding the applicability of Title 40, Code of Federal Regulations (CFR) Part 60, Subpart OOO (Standards of Performance for Nonmetallic Mineral Processing Plants) to a wash screen and associated belt conveyors at Triangle Rock Products, LLC (TRP Facility) located in Sacramento, California. Specifically, VMC asked the EPA to determine whether the equipment is exempt equipment under 40 CFR 60.670(a)(2) as a wet materials processing operation, and therefore not subject to the fugitive emissions limit and Method 9 testing. Based upon our review, the wash screen and associated belt conveyors are not exempt equipment under Subpart OOO. The details regarding the equipment and the basis for our conclusions are provided in the remainder of this letter.

**Background**

VMC requested an applicability determination under 40 CFR Part 60, Subpart OOO for a new Deister Model 6-20 6'x20' double deck wash screen (wash screen) and an associated belt conveyor installed at an existing production line at the TRP Facility in November 2020. VMC submitted an initial request to the EPA's website on April 15, 2021, a formal request for an applicability determination in letter dated June 29, 2021, and additional information on August 5, 2021 and August 23, 2021.

The new wash screen includes 30 water spray nozzles for removing (washing) fine particles from the aggregate. A downstream belt conveyor transfers aggregate from the wash screen to another belt conveyor and then the material is transferred to a stockpile. According to VMC, fine material from the wash screen is transported to additional clarifying, sizing equipment, and stockpiles, but does not pass through a crusher.

The TRP Facility operates two primary crushers in the production line upstream of the new wash screen and associated belt conveyors.

**Regulatory Evaluation**

Pursuant to 40 CFR 60.670(a)(2), Subpart OOO does not apply to wet material processing operations as defined in 40 CFR 60.671.

Section 60.671 defines “wet material processing operation(s)” as:

*Wet material processing operation(s)* means any of the following:

- (1) Wet screening operations (as defined in this section) and subsequent screening operations, bucket elevators and belt conveyors in the production line that process saturated materials (as defined in this section) up to the first crusher, grinding mill or storage bin in the production line; or
- (2) Screening operations, bucket elevators and belt conveyors in the production line downstream of wet mining operations (as defined in this section) that process saturated materials (as defined in this section) up to the first crusher, grinding mill or storage bin in the production line.

Section 60.671 defines “wet screening operation” as:

*Wet screening operation* means a screening operation at a nonmetallic mineral processing plant which removes unwanted material or which separates marketable fines from the product by a washing process which is designed and operated at all times such that the product is saturated with water.

Section 60.671 defines “saturated material” as:

*Saturated material* means, for purposes of this subpart, mineral material with sufficient surface moisture such that particulate matter emissions are not generated from processing of the material through screening operations, bucket elevators and belt conveyors. Material that is wetted solely by wet suppression systems is not considered to be “saturated” for purposes of this definition.

To support its position that the new wash screen at the TRP Facility is exempt from Subpart OOO, VMC’s letter, dated June 29, 2021, states that, “regardless of the location of wet screening operations, the material is saturated with no potential for dust emissions.” Based on the information submitted by VMC, however, the new wash screen is located after the first crusher; therefore, it does not meet the definition of a wet material processing operation in 40 CFR 60.671 and the exemption in 40 CFR 60.670(a)(2) does not apply.

Accordingly, the new wash screen must meet Subpart OOO’s fugitive emission limits and compliance requirements. According to Table 3 of Subpart OOO, affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008, and that do not operate water sprays, are required to perform an initial performance test according to 40 CFR 60.11 and 60.675, and a repeat performance test within 5 years from the previous performance test for fugitive emissions. Affected facilities controlled by water carryover from upstream water sprays that are inspected according to the requirements in 40 CFR 60.674(b) and 60.676(b) are exempt from the 5-year repeat testing requirement.

VMC’s letter dated June 29, 2021 states that the definition of wet material processing operations was “inadvertently” changed in 2009 from “up to, but not including the next crusher, grinding mill or storage bin” to “up to the first crusher, grinding mill or storage bin in the production line.” We do not agree with VMC’s view that the definition of wet material processing operations was inadvertent or erroneous. In fact, in explaining the new definition of wet material processing operations, the preambles to the proposed and final rules repeatedly and consistently employed the word “first,” suggesting an intentional

and deliberate use of that term.<sup>1</sup> Furthermore, as the EPA explained in the preamble in the proposed rule: “This exemption for wet material processing operations is limited to screening operations, bucket elevators and belt conveyors (i.e., belt conveyor transfer points) because crushing or grinding of mineral material can expose new dry surfaces that pose a potential for PM emissions . . .”<sup>2</sup> The final definition of wet material processing operations is entirely consistent with this rationale.

We coordinated this response to your June 29, 2021 request with the EPA Office of Enforcement and Compliance Assurance and the EPA Office of Air Quality Planning and Standards. If you have any questions regarding this matter, please contact Shaheerah Kelly of the Permits Office at EPA Region 9 at (415) 947-4156 or [kelly.shaheerah@epa.gov](mailto:kelly.shaheerah@epa.gov).

Sincerely,

Matthew J. Lakin  
Acting Director, Air and Radiation Division

Enclosure

cc (via email): Felix Trujillo, Jr., Sacramento Metro Air Quality Management District  
Toby Goyette, Vulcan Materials Company  
Kelly Van Kovering, Vulcan Materials Company

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<sup>1</sup> 73 FR 21563 (April 22, 2008); 74 FR 19297 (April 28, 2009).

<sup>2</sup> 73 FR 21564.