

# National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Prepared Feeds Manufacturing

## Commonly Asked Questions and Answers

### General

Q: Who should the facility contact if they have any questions about the standard? EPA or local/state agency?

A: The facility should first contact the state/local agency to see if they have accepted delegation of the rule. If the state/local agency has not accepted delegation, the facility may contact the EPA regional office regarding their questions.

Q: Is there any material available, specifically for small businesses, on how to comply with the standard? Is there anyone at EPA or local/state agency that a small business could contact for further information?

A: EPA has developed a brochure for this rule available at: <http://www.epa.gov/ttn/atw/area/feedmfgb.pdf>. An example notification is also available.

### Applicability

Q: In the definition of “*Prepared feeds manufacturing facility*,” it indicates that a facility is primarily engaged in manufacturing animal feed if “*the production of animal feed comprises greater than 50 percent of the total production of the facility on an annual basis.*” How is this 50 percent determined? By sales, by mass, by volume?

A: In most situations, the basic determination of “*primarily engaged in*” can be made by asking the question – *What is this facility in business to produce?* However, we recognize that there are situations where a facility can make several products, some which are included in the definition of “*animal feed*” and some which are not. The purpose of the 50 percent criterion is to establish a clear line in these situations. In the majority of cases, the most straight-forward method to make this determination is on a mass basis. For example, consider a facility that produces supplements and additives that are included in the definition of “*animal feed*” in §63.11627, but also produces supplements and additives that are used in dog food. If the mass of “*animal feed*” supplements and additives make up 51 percent or more of the total mass of supplements and additives produced, the facility is a “*prepared feeds manufacturing facility*” and subject to the rule.

However, there may be cases where mass-based determinations are not as appropriate. For example, consider a facility that raises cattle but also has on-site prepared feed manufacturing operations. In this situation, the owner or operator would not compare the mass of the cattle raised at the facility with the mass of prepared feed produced. It should be clear whether the facility is in the cattle business or the prepared feed business. However, we could envision

situations where it is not entirely obvious. The fact that a few cattle or other livestock are raised on-site does not necessarily mean that the facility is not a prepared feeds manufacturing facility. There could be situations where facilities produce prepared feeds and feed some to onsite livestock and sell the remainder. In such cases, a 50 percent mass criterion could be applied to determine applicability. If the facility uses more than 50 percent by weight of the feed produced percent to feed the on-site animals, then it would not be considered to be a prepared feeds manufacturing facility. However, if the facility uses less than 50 percent of the feed produced and sells the rest, it would be a prepared feed manufacturing facility and subject to the rule (provided that materials containing manganese or chromium are used).

Q: In a related question, if a facility has grain elevators and prepared feed production, how would you determine if the facility is a “*prepared feeds manufacturing facility*”?

A: As noted above, a prepared feeds manufacturing facility is a facility where “*the production of animal feed comprises greater than 50 percent of the total production of the facility on an annual basis.*” We expect that many prepared feed manufacturing facilities have grain elevators on site. However, these elevators should be considered an auxiliary process to the production of a product. The determination of whether a facility is a prepared feeds manufacturing facility is based on the production at the site. Consider a facility that receives grain, which is transported by grain elevators and processed, and then used to make animal feed. This is clearly a prepared feeds manufacturing facility. If, however, the facility produces grain that is not used in the production of feed, a determination would be needed to determine if the facility is a prepared feeds manufacturing facility or a grain production facility. The 50 percent criterion would be used for this determination. If the grain sold or otherwise transported from the facility made up more 50 percent of the total mass produced at the facility (total mass of grain plus the mass of the prepared feed), then the facility would be “*primarily engaged*” in producing grain, and it would not be a prepared feed manufacturing facility.

Q: What is the relevance of the terms “material containing chromium” and “material containing manganese”?

A: The primary purpose of the rule is to reduce emissions of chromium compounds and manganese compounds that occur during prepared feeds manufacturing. Obviously, facilities that do not use any additives or pre-mixes that contain these compounds do not emit them and should not be subject to the rule. However, some additives or pre-mixes could contain trace amounts of chromium or manganese as impurities. The rule is intended to cover facilities that intentionally add chromium or manganese to their feed products, not facilities where these chemicals are only present as trace impurities. The relevance of the terms “*material containing chromium*” and “*material containing manganese*” is that they provide thresholds meant to distinguish between additives that intentionally contain chromium or manganese and those that may contain these chemicals only as impurities.

### **Specific Requirements**

Q: Paragraph §63.11621 (1) (i) states – “You must use either an industrial vacuum system or manual sweeping to reduce the amount of dust;” How often? Do we only perform this

vacuuming/sweeping after the next paragraph (ii) which is required monthly, what is an industrial vacuum system? What about manual sweeping particulate matter? This creates dust.

A: In general, the rule requires housekeeping measures at all times to minimize dust and provides examples of using vacuum systems or manual sweeping to accomplish these measures. Section 63.1162(1)(ii) further requires that at least once a month the facility must "remove dust from walls, ledges, and equipment using low pressure air or by other means, and then sweep or vacuum the area." We don't define "industrial vacuum," however, this term was intended to include any vacuuming method used in an industrial setting and does not require any specific operating parameters. While manual sweeping may create some initial dust, the practice of routine sweeping will minimize the accumulation of dust in the facility.

Q: From §63.11621 (1) (ii) – “At least once per month, you must remove dust from walls, ledges, and equipment using low pressure air or by other means, and then sweep or vacuum the area.” What is low pressure air 10 psig, 20 psig, 50 psig? How about just using a vacuum system with HEPA collection to clean everything?

A: Similar to the term industrial vacuum, we do not define the term "low pressure air" or establish a psig. The term "low pressure air" is utilized to avoid having facilities use high pressure air hoses to remove dust from equipment, ledges, and walls and making it more difficult to subsequently collect and dispose of the dust by sweeping or vacuuming the area. A HEPA vacuum can be utilized to collect the dust.

Q: From §63.11621 (1) (iii) – “you must keep all doors closed except during normal ingress and egress.” Does this mean mixing room/bagging room, etc. should be of total enclosure?

A: Total enclosure is not required. The rule simply requires that doors not be left open to the outside, and that they are opened only for normal entry and exit to help minimize the release of dust from the facility.

Q: From §63.11621 (d) – “For the bulk loading process where prepared feed products containing chromium or manganese are loaded into trucks or railcars, you must use a device at the loadout end of each bulk loader to lessen fugitive emissions by reducing the distance between the loading arm and the truck or railcar.” The proposed rule specifically required a drop filter sock, but this terminology was removed in the final rule. What does then term “*device*” mean?

A: The rule allows the facility to utilize any device, for example socks or enclosed chutes, that minimizes the distance the prepared feed product falls between the loading arm and the truck or railcar.

Q: From §63.11622 (a) – “If you own or operate an affected source required by §63.11621 (d) to use a device at the loadout end of a bulk loader that reduces fugitive emissions from a bulk loading process, you must perform monthly inspections of each device to ensure it is proper working condition.” What is acceptable? No dust? Some dust? Some percent opacity?

A: This is a work practice standard not an opacity standard so no opacity limit must be met. The facility should inspect to ensure that the device being used to minimize dust is attached to the loadout end of the bulk loader is not in disrepair and that it is close enough to the top of the prepared feed pile in the truck or rail car to minimize fugitive emissions.

Q: Throughout the Subpart, every time they discussed source that process 50 tpd or greater they immediately started talking about pelleting operations. Is this because they assume that all operations with that throughput (50 tpd or greater) do pelleting? If that's the case, my folks do not think that's accurate. Is it the intent of the regulation that if 50 tpd or greater and they do not do pelleting that requirements are same as < 50tpd?

A: The rule does not assume that all operations with average daily feed product levels exceeding 50 tpd do pelleting. With the exception of the requirement in §63.11621(e) to install a cyclone to reduce emissions from the pelleting operations for sources with average daily feed product levels greater than 50 tpd, the requirements in the rule are the same for all facilities, regardless of size. If a facility has an average daily feed product level greater than 50 tpd but does not have any pelleting operations, they not obviously not subject to the cyclone provisions in the rule. However, they must meet all other applicable requirements.

Q: A company has a cyclone for their pelleting operations. Following the cyclone, the exhaust gas passes through a sodium hypochlorite and sodium hydroxide scrubber. What are the requirements for this situation?

A: The rule requires that pelleting operations at facilities with an average daily feed production level exceeding 50 tons per day must capture emissions and route them to a cyclone designed to reduce emissions of particulate matter (PM) by 95 percent or greater. Assuming that the cyclone referred to in the question is designed achieve at least a 95 percent reduction in PM, there would be no difference in this situation and a situation without a scrubber on the exit. The company would be required to establish a parameter range (inlet flow rate, inlet velocity, pressure drop, of fan amperage) that indicates proper operation of the cyclone and monitor and record this parameter at least once per day. Situations where this parameter was outside of the established proper operating range would be a deviation.

The situation could exist where a cyclone is not designed to reduce emissions of PM by 95 percent or greater, but the combination of a cyclone and scrubber does achieve 95 percent. Since the standard in §63.11621(e) is an equipment standard specifying a cyclone designed to reduce PM emissions by 95 percent or greater, this combination of control devices would not meet the standard. Obviously, since the environmental performance of the combination would be at least equivalent to the standard, it would likely be accepted as an alternative. However, the company needs to go through the formal process of applying for an alternative nonopacity emissions standard via §63.6(h)(9) of the Part 63 General Provisions. They would also need to apply for an alternative monitoring method via §63.8(f) to ensure that the cyclone/scrubber combination is being operated properly.

## Reporting and Recordkeeping

Q: Is there a penalty if a facility does not submit the notification form by the due date?

A: If an existing facility does not submit the initial notification required by §63.11624(a)(1) by the required date, the facility would be in non-compliance and may be subject to an enforcement action including penalties. Please note that there was an error in the final rule with regard to the date when existing affected sources are required to submit the initial notification. Paragraph §63.11621(e) indicated that existing sources were required to submit the initial notification on May 4, 2012. This date should have been May 4, 2010. We are attempting to correct this error in an upcoming *Federal Register* notice. However, since the notice will not be published until after May 4, 2010, the amended rule will require that the initial notification be submitted 90 days after the correction is published in the *Federal Register*. It is anticipated that this correction notice will appear in the *Federal Register* in late May/early June 2010, meaning that the initial notification for existing sources will be due in late August/early September 2010.

Q: Will the local/state agencies have information about the standard and the notification forms posted on their Web sites?

A: The availability of information on state websites will be state specific and will depend largely on whether or not the state has accepted delegation of the rule. This information will be available on the EPA website - <http://www.epa.gov/ttn/atw/area/arearules.html>.

Q: Will EPA or local/state agency mail out the notification forms?

A: EPA does not plan to mail out notification forms, however an example form is available on the EPA website at: [http://www.epa.gov/ttn/atw/area/feedmfg\\_example.pdf](http://www.epa.gov/ttn/atw/area/feedmfg_example.pdf). EPA is not aware of whether individual state/local agencies plan to mail out the form.

Q: Will the EPA or local/state agencies be contacting the facilities if they do not submit a notification form?

A: As stated above, facilities that do not submit a form by the required date are in non-compliance and may be contacted by EPA or their state/local agency.

Q: Where should the initial notification and other reports be submitted?

A: This depends on whether the state/local agency has accepted delegation of the rule. The facility should contact the state/local agency to determine this. If they have accepted delegation of this rule, the initial notification and other reports should be submitted to them. If they have not accepted delegation, these materials should be submitted to the appropriate EPA Regional Office.

Q: §63.11624(a)(2)(iv) requires that the “*documentation of your initial daily pelleting production level determination*” be submitted if “*you own or operate an affected source that is not subject to the requirement in §63.11621(e) to install and operate a cyclone to control emissions from pelleting operations because your initial average daily feed production level was 50 tpd or less.*” Is the initial daily pelleting production level the same as the average daily feed production level, or are they different?

A: The term “daily pelleting production level” is incorrect. The language in §63.11624(a)(2)(iv) should use the term “average daily feed production level,” which is defined in §63.11627, in both instances. This error will be corrected in an upcoming *Federal Register* notice.