



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: A023

Category: NSPS
EPA Office: Region 6
Date: 07/19/1976
Title: Relocation
Recipient: Hagler, W. N.
Author: Harrison, Thomas P.

Subparts: Part 60, A, General Provisions
Part 60, J, Petroleum Refineries

References: 60.100

Abstract:

See A013. A used refinery process heater is being converted from natural gas to naphtha fuel for installation in another refinery. Are emissions in the previous installation or from the replaced unit at the new installation considered in determining the applicability of Part 60?

Relocation or ownership change does not constitute a modification. Changing the unit to burn naphtha does constitute a modification if SO₂ emissions increase relative to the same unit in its previous installation.

Letter:

July 19 1976

Mr. W. N. Hagler
Vice President
Plateau, Inc.
P. O. Box 108
Farmington, New Mexico 87401

Dear Mr. Hagler:

This is in response to your letter of May 7, 1976, requesting a determination of the applicability of the Standards of Performance for New Stationary Sources (40 C.F.R. Part 60) to your Bloomfield, New Mexico, fluid catalytic cracking unit.

We are taking this opportunity to address two different questions: first, the applicability of the Standards

of Performance for New Stationary Sources, 40 C.F.R. Part 60, and second, the applicability of Significant Deterioration of Air Quality, 40 C.F.R. 52.21. Since these two programs are independent of each other and address different aspects of a given source it is possible for a source to be covered by one program and not another, by both programs, or by neither program. This letter provides our determinations of the applicability of these two programs to your source.

You informed us that the catalytic cracking unit was being moved from Winnipeg, Canada, and would be re-erected at your Bloomfield refinery. You stated that the only new components would be small diameter piping and electrical conduit which would cost an estimated 3.8% of the cost of the comparable new unit. You also stated that the emissions of particulates and carbon monoxide from the re-erected unit are expected to be below previous emissions because the unit will be operated at a lower charge rate.

Based on the information you provided that there is no physical change in, or change in the method of operation of the fluid catalytic cracking unit which increases the amount of any air pollutant to which a standard applies emitted into the atmosphere or which results in the emission of any air pollutant to which a standard applies into the atmosphere not previously emitted, we have determined that the facility is not a modification within the meaning of 40 C.F.R. Part 60. Based on the information that the fixed capital cost of the new components is less than 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, we have determined that the facility is not a reconstruction within the meaning of 40 C.F.R. Part 60. Therefore, we have determined that the fluid catalytic cracking unit is not subject to the Standards of Performance for Petroleum Refineries (40 C.F.R. Part 60, Subpart J).

Evidently you are aware of an additional requirement under the Clean Air Act that significant deterioration of air quality be prevented. Regulations implementing this requirement are found in 40 C.F.R. 52.21 (1975) a copy of which is enclosed. The requirements apply to sources the construction or modification of which is commenced after June 1, 1975. As it is apparent that the Fluid Catalytic Cracking unit will be erected in Bloomfield after June 1, 1975 date, it is a new source and is therefore subject to the significant deterioration regulations. In order that we may begin our review of the proposed source please submit the data mentioned in paragraph 52.21(d)(3) to Mr. Jack Divita, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

Sincerely yours,

Thomas P. Harrison, II
Director, Enforcement Division

Enclosures a/s

cc: Mr. Cubia L. Clayton, Chief
New Mexico Environmental Improvement Agency
Air Quality Section
P. O. Box 2348
Santa Fe, New Mexico 87503

bcc: George Stevens, DSSE
Jack Divita (6AAHA)