

August 26, 2009

Air and Radiation Docket  
US Environmental Protection Agency  
Mail Code: 6102T  
1200 Pennsylvania Ave., NW.  
Washington, DC, 20460



Transmitted via email: [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov)

Attention: **Docket ID No. EPA-HQ-OAR-2008-0080**

Dear Sir or Madam:

The National Steering Committee for the national network of state Small Business Ombudsman and Small Business Environmental Assistance Programs thank you for the opportunity to comment on the proposed Subpart DDDDDDD - National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Prepared Feeds Manufacturing, which were published in the *Federal Register* on July 27, 2009 in Docket ID No. **EPA-HQ-OAR-2008-0080**. The state Small Business Ombudsman and Small Business Environmental Assistance Programs (SBO/SBEAP) were created under s. 507 of the Clean Air Act Amendments of 1990. For over 15 years, the SBO/SBEAPs have provided extensive, hands-on assistance to small businesses to help them understand environmental regulations such as the National Emissions Standards for Hazardous Air Pollutants (NESHAP) and similar standards.

The SBO/SBEAPs have indicated to EPA, through the small business liaison at OAQPS, that we are interested in helping to investigate the business impact for as many of the area source NESHAP rules as we have volunteers with time to participate. Our goal is to help EPA issue area source NESHAPs that are clear and easy for small businesses to comply with and are also rules that the SBO/SBEAPs and states can implement with minimal resources. The SBO/SBEAPs, through their Technical Subcommittee, stand ready to work with EPA to develop rules that small businesses can comply with and implementation tools and templates that will benefit all affected small businesses. The Technical Subcommittee has **over 50 members representing 9 of the 10 EPA regions and 25 states**. Comments from the National Steering Committee for SBO/SBEAPs reflect a wide range of experience with the efforts of small business to comply with such standards.

#### *Comments*

##### Control Requirements

**Recommendation:** We recommend that s. 63.11621(e) be more specific in requiring a cyclone for facilities that exceed a production rate of 50 tons per day in the pelleting operation, as an average of their monthly operations at that unit.

Often an operation may only conduct a small amount of pelletizing, if any, or does so infrequently. In order to tie the need for a cyclone more closely to the amount of pelleting a company does, the 50 tons per day threshold should be directly tied to the pelleting throughput. Averaging the threshold allows infrequent use of the equipment to be taken into account. Installation of a control device becomes very expensive when it is only used intermittently.

**Recommendation:** We recommend the addition of wording to 63.11622(b)(2) to read: "You must monitor pressure drop at least once per day when the cyclone is in operation."

This allows a facility to the flexibility to monitor control equipment on a daily basis if the equipment and controls are in operation.

##### Impact on very small operations

**Recommendation:** Include an applicability threshold to reduce the impact on those who use only very small amounts of the target HAPs.

As the rule is proposed, any company that uses even a small amount of targeted HAPs will need to meet the requirements for this regulation. We recommend the rule include an applicability threshold for the HAPs. The level considered insignificant under the Title V permit regulations, 2000 pounds per year, has been used in other area source regulations to alleviate the burden on very small sources. Many sources are exempted at even higher levels because of the limited impact.

A little three-person shop in rural America is going to have an extremely hard time getting the product out if they must conduct all the short term inspections, monitoring, and cleaning operations included in this rule. It will take an additional staff, which they cannot afford, just to keep up with everything in the rule.

In many cases the materials containing the targeted HAPs are included in the feed on purpose, as a dietary supplement. There may not be appropriate alternatives, or at least none that would completely eliminate the compounds.

**Recommendation: Along with including an applicability threshold, we recommend that any operation that can achieve that level be allowed out of the regulation at any time.**

Once a company is regulated by this subpart, it is unclear whether they can opt out when they no longer use the targeted HAPs. If a company is using a small amount, it may take time to find alternatives and obtain customer approval for their use. Allowing sources out of the rule when appropriate would alleviate the burden when there is no longer a need or benefit.

Reporting

**Recommendation: We recommend annual compliance certification reporting be omitted from the rule.**

Annual reporting is burdensome and difficult for a small business to do year after year. Annual reporting creates excessive paperwork for the facility and for the delegated authority (man-hours for review and paperwork to file) with little environmental benefit. The facility alone should be responsible for maintaining compliance, including adequate records.

Recordkeeping

**Recommendation: We recommend 63.11624(c)(3) be omitted from the rule and a different method be used to demonstrate compliance.**

Requiring a monthly record certifying that a facility has complied with the dust minimization management practices is very excessive. We recommend instead that facilities are required to maintain a management plan to minimize excess dust. This plan can be maintained on site, available for review by the delegated authority.

We appreciate the opportunity to comment on the proposed revisions to the National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Prepared Feeds Manufacturing. Please contact Renee Lesjak Bashel, Chair of the NSC Technical Subcommittee at 608-264-6153 if you need clarification or would like to discuss any of these issues.

Sincerely,

  
Annette Fulgenzi  
Chair, National Steering Committee

cc: Jan King, USEPA OAQPS  
Keith Holman, US SBA