

New U.S. EPA Rules for Prepared Feeds Manufacturing

Michigan Farm Bureau Seminar

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Clean Air Act

- Federal law first passed in the 1970s
- Amended a number of times
 - Most recent amendments were in 1990
 - One of the new concerns were 189 Hazardous Air Pollutants listed by Congress - **HAPs**
- In Michigan, the Department of Natural Resources and Environment enforce the Clean Air Act
 - The Air Quality Division administers it

What is a MACT Standard?

- Hazardous **Air Pollutants** (HAPs) are Restricted and Controlled by regulating industry groups
- The Standards for industry groups are located in the Code of Federal Regulations under 40 CFR Part 63
 - They are called the National Emission Standards for Hazardous Air Pollutants or **NESHAP**
 - Controls Required by the NESHAPs are called Maximum Achievable Control Technology or **MACT**

What is a MACT Standard?

- NESHAPs are Divided into Two Categories
 - **Large** (or Major) Sources
 - Greater than 10 Tons of individual HAP potential per year; or
 - Greater than 25 Tons of all HAPs potential per year
 - [Based on potential to emit – a hypothetical 24/7 computation]
 - **Small** (or Area) Sources
 - Any Operation with less than Major Source HAP potentials
 - Area Sources are required to follow their own NESHAP requirements

What is a MACT standard?

- EPA was instructed by Congress to find the source categories emitting the listed HAPs
 - Within that list were manganese and chromium
- Once sources were identified a schedule was established to make the rules controlling the hazardous air pollutants
 - Major sources included foundries, coke ovens, secondary aluminum smelters, utility plants, steel mills, chrome platers
- Congress gave EPA ten years for the Major Sources
 - Yet, twenty years later some are still not done

EPA is now working on Area Source Rules

- EPA identified 30 HAPs that pose the greatest danger for urban areas
 - Then listed sources of the “30 Urban HAPs”
 - Prepared Feeds Manufacturing was listed
 - Court ordered December 2009 deadline for the rule
- In January 2010 the rule for “Prepared Feeds Manufacturing” was published in the Federal Register
- That is what we are here to talk about today!

What is the Rule?

- **Prepared Feeds Manufacturing – Area Sources**
- Area Source MACT Standard
 - 40 CFR Part 63, Subpart DDDDDDD
- [Does Not Include Cat or Dog Feeds]

Who is Affected by this Rule?

- Facility that is “primarily engaged” in the production of animal feed (excluding cat and dog feed)
 - does animal feed comprise greater than 50 percent of the total production of the facility on an annual basis?
- It uses a material in feed production that contains **Manganese (Mn) \geq 1.0%**
OR
Chromium (Cr) \geq 0.1%
- EPA Estimates:
 - Affected sources: 1,800 Facilities
 - Affected sources greater than 50 ton/day: 26 Facilities

How do I know If I have these HAPs?

- Secure a copy of the **Material Safety Data Sheet** (or MSDS) for Each Feed Supplement or additive added to the feed itself
- Does it Contain **Manganese** (Mn) compounds $\geq 1\%$
- Does it Contain **Chromium** (Cr) compounds $\geq 0.1\%$
- Test: What about manganese chloride at 1.2% by weight?
 - Yes or No?

What if the rule applies to me?

- In all areas where Cr & Mn are stored, used or handled
 - Perform Housekeeping
 - Use an industrial vacuum or manual sweeping to minimize excess dust
 - At least once per month remove dust from walls, ledges, and equipment using low pressure air or by other means then sweep or vacuum the area
 - Keep doors shut except during normal ingress and egress
 - Must store Cr & Mn materials in closed containers
 - Mixers must be closed except when adding materials
 - Bulk loaders must use loading arms and distances that minimize dust

What if average more than 50 TPD

- If a large producer (more than 50 tons per day production on a daily average)
 - Additional requirement, if pelleting
 - Pelleting operations must also capture particulate emissions with a cyclone at 95% or greater efficiency

What are the reporting requirements for existing sources?

- If and only if the rule is applicable:
 - Initial Notification of Applicability
 - Due on or before **MAY 5, 2010**
 - Notification of Compliance Status
 - Due on or before **May 4, 2012**
 - Annual Compliance Certification
 - Due annually for the previous calendar year by **March 1** of each year

Initial Notification
National Emission Standards for Hazardous Air Pollutants:
Area Source Standards for Prepared Feeds Manufacturing
40 CFR 63 subpart DDDDDDD

Section 1. Facility Information

Yes, I am subject to 40 CFR Part 63 subpart DDDDDDD National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Prepared Feeds Manufacturing

Source category and NAICS code(s) _____

Compliance Date: Existing source: January 5, 2012
New source _____ (Date of startup)

Company name _____

Facility name (if different): _____

Facility (physical location) address _____

Owner name/title: _____

Owner/company address: _____

Owner telephone number _____

Owner email address (if available): _____

Section 2. Description of Operation

Does your facility produce a pelleted feed product? Yes No

If yes:

- Facility has average daily feed production level* equal to or less than 50 tons per day
- Facility has average daily feed production level* exceeding 50 tons per day

•Average daily feed production level is the amount of feed product produced in a one-year period divided by the number of operating days.

Please write a brief description of your operation:

Section 3. Certification

I hereby certify that the information presented herein is correct to the best of my knowledge.

(Signature)

(Date)

(Name/title)

(Telephone No.)

USE OF THIS FORM IS OPTIONAL

What are the recordkeeping requirements?

- Copy of the Initial Notification
- Copy of the Notice of Compliance Status
- Copies of annual certifications
- Daily records to demonstrate <50 tons per day
or
Cyclone records of performance if >50 tpd
- Records must be in a form suitable and readily available for expeditious review
- Records must be kept for 5 years

How do I get out of the rule?

- Stop using the materials and notify the Agency.
- After January 5, 2010, if a source no longer uses materials that contain Mn or Cr, it must submit a Notification which indicates such and which provides the date of termination of use of materials that contain Mn or Cr.

What if I use HAPs in the future?

- Initial notification is due 120 days after becoming subject to the rule.

and

- Notification of Compliance Status is due within 120 days of the date using Mn and/or Cr materials.

What is the role of Title V permitting?

- You do not need to get a special Federally mandated permit
- However, since you are now on the radar screen the State of Michigan may take an interest in you

What if I violate the rule?

- This will be part of your annual compliance report
 - It would be best if you showed in that report that when you discovered a problem you corrected it
- Repeated violations will lead to fines
 - Agency has the right to levy fines at the first violation

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Questions and Answers

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