



# COMMONWEALTH of VIRGINIA

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## MEMORANDUM

**TO:** Regional Directors, Deputy Regional Directors, Director-Air Permits, Director-Air Compliance, Director-Data Analysis and Planning, Director-Regulatory Development, Director-Mobile Sources, Air Permit Managers

**CC:** Director, Chief Deputy Director, Deputy Director

**FROM:** Mike Dowd – Director, Air Division *MGV*

**SUBJECT:** Rescission of Air Division Policy Statement 2-96

**DATE:** September 18, 2008

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### Background

On April 22, 1996, Air Division Policy Statement 2-96 was established to provide guidance to staff regarding permitting and NSPS subpart Y applicability to coal processing and handling facilities. Specifically, the guidance indicated the provisions of the subpart did not apply to coal handling and processing facilities where no thermal dryer was present.

Obtained after the date of this policy statement were applicability determinations from the EPA's NSPS Applicability Determination Index (ADI), which indicated the subpart does apply to facilities that handle and process coal, without consideration of whether a thermal dryer is involved. Copies of these applicability determinations are available from OAPP or online at the ADI website.

Most of the sources that are affected by the policy statement are located in the Southwest Region, which is Virginia's coal producing region.

In the April 28, 2008 federal register, notification has been published regarding EPA's intent to adopt revised NSPS subpart Y regulations. For "existing" coal preparation and handling facilities, the requirements will be, for the most part, unchanged. The new rule would establish a separate category of applicable requirements for "new and modified" affected facilities. A copy of the federal register is available from OAPP.

Determination

Air Division Policy Statement 2-96, for Coal Processing Plants is rescinded and should no longer be used as guidance by staff for permitting or regulatory applicability determinations. When the new NSPS subpart Y is promulgated, air division staff can evaluate the situation for the possible need for new guidance. Staff can contact OAPP with any questions.