

# ENVIRONMENTAL PROTECTION AGENCY

April 1, 1977

## MEMORANDUM

SUBJECT: PSD Applicability Determination - Ideal Basic

FROM: Director,  
Division of Stationary Source Enforcement

TO: Lance C. Vinson, Chief  
Enforcement and Legal Support Branch  
Enforcement Division, Region VIII

This is in response to your request for a determination of applicability concerning Ideal Basic Industries, Inc., (Ideal) dated March 18, 1977. We have reviewed the material submitted by Ideal and have made the following determination.

The information submitted by Ideal indicates that the Boettcher Plant will be undergoing substantial alterations. In their letter, Ideal states that they will be replacing many of their operating facilities at the Boettcher plant. Using the definition and criteria established for determining a reconstructed source (40 CFR 60.15), Ideal has indicated that the planned alteration will exceed the 50% capital cost criteria of erecting a new source. Ideal further states that although they will be increasing the production capacity of the source, they will not increase the emissions to the atmosphere.

Ideal states, and we concur, that the source will be subject to the requirements of 40 CFR 60 Subpart F. It is our interpretation that the Boettcher plant is also subject to the provisions of 40 CFR 52.21. Although the source will not increase its emissions and is therefore not a modification, it will undergo significant reconstruction and therefore it is a new source. The intent of the regulations is not only to prevent the degradation of air quality resulting from increased emissions but also to ensure that all new significant sources of particulate matter and sulfur dioxide install best available control technology. While in this case the question may appear moot, since the source will be required to meet NSPS, the issue is important in those cases where no NSPS exist.

**ENVIRONMENTAL PROTECTION AGENCY**

As to whether SO<sub>2</sub> controls are necessary at this source, an examination of this source and the criteria established in §52.01 for determining BACT will have to be undertaken. The definition of BACT allows enough flexibility so as to require SO<sub>2</sub> control where it will be economically reasonable compared to the resulting emission reduction.

If you have any additional questions on this please contact Rich Biorndi (755-2564) of my staff.

Edward E. Reich

cc: R. Rhoads