



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL - 1 '2014

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Mr. Jess McCluer
Director of Safety and Regulatory
National Grain and Feed Association
1250 Eye Street, N.W., Suite 1003
Washington, D.C. 20005

Dear Mr. McCluer:

This letter is in response to the New Source Performance Standards (NSPS) Subpart DD Coalition requests to rescind the November 21, 2007, letter to the National Grain and Feed Association. In that determination, the United States Environmental Protection Agency (EPA) stated that temporary storage facilities (TSF) meet the definition of "permanent storage capacity" under 40 CFR Part 60, Subpart DD, NSPS for Grain Elevators (Subpart DD), and should be included when determining applicability of Subpart DD for a particular facility.

As you know, EPA is planning to propose revisions to Subpart DD. At this time, EPA has also decided to re-evaluate the rationale for the November 21, 2007, letter. While the definition of "permanent storage capacity" in Subpart DD is broad, we are now aware that TSFs generally handle the grain less time throughout the year than other types of permanent storage facilities and may require different treatment. Also, while not dispositive as to the applicability of the rule to these units, we note that TSFs did not exist during the development of Subpart DD, and their processes and handling techniques were not specifically considered during the rulemaking process.

For these reasons, we rescind the November 21, 2007, letter. As a result, TSFs do not meet the definition of "permanent storage capacity" under Subpart DD and should not be included when determining applicability under Subpart DD for a particular facility.

Please note that nothing in this letter should be construed as an indication of what EPA may propose in upcoming rulemakings.

If you have any questions regarding this matter, please contact Scott Throwe of my staff at (202) 564-7013.

Sincerely,

A handwritten signature in blue ink that reads "Edward J. Messina".

Edward J. Messina, Director
Monitoring, Assistance, and Media Programs Division
Office of Compliance