

United States
Environmental Protection
Agency

Region 10
1200 Sixth Avenue
Seattle WA 98101

Alaska
Idaho
Oregon
Washington

EPA

November 29, 1991

Reply To
Attn Of: AT-082

MEMORANDUM

SUBJECT: Applicability of EPA's Prevention of Significant Deterioration (PSD) Regulations to Floating Seafood Processors

FROM: David C. Bray, Permit Programs Manager
Air Compliance and Permitting Section

TO: Gary McCutchen, Chief
New Source Permits Section, PB, CPDD (MD-15)

The State of Alaska Department of Environmental Conservation (ADEC) has raised an issue regarding the regulation of floating seafood processors which operate in United States waters outside of the jurisdiction of the State (i.e., more than 3 miles offshore). These seafood processor, although similar in activities and air pollution emissions, are currently treated differently than shore-based processors or floating processors operating within State waters. The ADEC currently requires permits to construct and operate (including PSD permits for new and modified major processors) for shore-based processors and permanently-moored floating processors. However, few, if any, of the floating seafood processors (primarily foreign-owned or based out of Washington State) have been required to obtain permits. This inequitable treatment (i.e., the need to obtain PSD permits and install best available control technology) has put the "stationary" Alaska seafood processors at an economic disadvantage.

A floating seafood processor is a process source mounted on a floating platform. The process is comprised of diesel power generators, boilers to provide process water and steam, and heaters for use in the canning process. All of these fuel combustion sources generate air pollution emissions, and the potential to emit almost often exceeds 250 tons per year each of nitrogen oxides and carbon monoxide. The floating platform may be self-powered (i.e., onboard engines or boilers) or moved by ocean-going tugboats. Many of the processors move to protected inland waters to process fish. Typically, they may return to the same locate throughout the season for several days of continuous fish processing at one time. However, others will remain on the high seas to process. This activity is analogous to that of portable asphalt batch plants or portable hazardous waste incinerators, both of which are required to obtain PSD permits under EPA's regulations as portable stationary sources (see 40 CFR 52.21(i)(4)(viii)).

It is our position that a floating seafood processor is a portable stationary source and should be treated as such under EPA's PSD regulations. All emissions, except those from engines used for propulsion, are to be counted for determining whether a floating processor is a major stationary source. As such, any "major" floating processor which intends to operate either temporarily or permanently within U.S. territorial waters, and is not a "grandfathered"

existing source, must obtain a PSD permit from EPA. By exempting the emissions from the engines and boilers used for propulsion (i.e., for transportation purposes) we treat floating processors and shore-based processors equitably for PSD purposes. We also remain consistent with the new definition of "stationary source" in Section 302(z) of the Act. We request your concurrence on this position, based on the provisions of EPA's regulations and the amended Clean Air Act.

Please provide us with a response to this issue by no later than the end of December. If the floating processors will need to obtain PSD permits from EPA as portable stationary sources, then we will need some lead time before next year's fishing season to obtain compliance with our permitting requirements.

If you have any questions on this issue, or would like to discuss it further, please give me a call at FTS 399-4253.

cc: Ray Nye, ACPS
Kathy Pazera, AOO
Ann Pontius, ACPS