

Date: July 15, 2010
To: Board of Directors
Puget Sound Clean Air Agency
Subject: Briefing – Proposed Regulation Change to Rock Crushers

Honorable Members:

Staff expects to propose a combination of regulation changes regarding rock crushers for hearing and action in September. This memorandum has been prepared to provide you with a summary of those changes and the rationale for them. The main reason for the proposed changes is a continuous improvement effort to more effectively regulate rock crushers, given the nature of the industry and our permitting experience with this equipment.

Background

Rock crushers are used to produce aggregate products in quarries, for size reduction in intermediate processing steps for manufacturing, and for demolition and disposal related activities. The crushing operations can lead to fugitive dust emission impacts if not operated with appropriate emission controls. For most operations, emissions are effectively controlled through the use of water spray suppression systems. Crushing equipment may be installed for an extended period at a fixed location while other operations are portable (some self propelled).

Current Program

The agency currently regulates rock crushing operations through a combination of the notice of construction (NOC) preconstruction approval process and inspection efforts administered through the registration program. There are approximately 80 registered sources that list rock crushers as approved equipment.

Most rock crushers must be reviewed and approved through the NOC program prior to operating in the agency's jurisdiction. Following the approval of a crusher operation, the owner is expected to maintain an active registration status with the agency in order to keep the NOC order of approval active. Once approved, any actively registered rock crushing operating may relocate to another site through a simple notification process, provided they are operating the approved system and operate it in accordance with the original NOC approval conditions.

The rock crushers that do not require NOC review and approval under our current regulations prior to operation are small crushers. There are very few crushers that are rated below those exemption thresholds. Our compliance efforts with the rock crushing equipment address the fugitive dust issues as identified in our rules, orders of approval, and EPA's New Source Performance Standards (NSPS) for rock crushing operations. The NSPS provisions apply to rock crushers meeting design capacity criteria and equipment manufacture date criteria. We do have some registered rock crushing operations with equipment that pre-dates the NSPS applicability criteria.

Proposed Changes

Prior to 2001, the agency required an NOC approval for each new location of operation. For the portable, job-related crushing contract, it was not uncommon for the NOC review process to take longer than the crushing job itself (e.g. some contract work could be done in a week). While the current system has provided some improvements and a number of sources successfully use the notification process for relocations, there are still some areas where improvement is needed. For example, agency staff often has extended discussions with sources to try to determine if the rock crusher onsite is actually the same crusher originally approved by the agency. Also, the NOC review process often leads to order of approval conditions which are essentially the same from application to application. And a significant amount of time during the NOC review process is spent researching and coordinating historical land use permitting and SEPA (State Environmental Policy Act) determinations for a proposed site.

To address these issues and improve regulation of rock crushing operations, the following regulation changes are being proposed:

- Adopt a new section in Regulation I, Article 9 (Emission Standards) with emission performance requirements that apply to all rock crushing operations subject to registration.
- Exempt all future rock crushing installations from NOC application and review.
- Adopt a new section in Regulation I, Article 5 (Registration) to provide a registration administrative section for rock crushing operations identified as “portable”

These proposed changes would streamline the process for rock crushing operations to enter the registration program with the agency. Since the typical rock crushing NOC approval conditions are very similar between permits, we believe this proposal will produce the same environmental benefit without additional process and costs. It will also allow the agency to focus on a source’s registration status and compliance with emission control requirements, rather than trying to determine if this is the actual crusher previously approved. It will also allow sources to add or replace crushing equipment onsite without the additional planning and processing time for an NOC application.

Another benefit of this proposal is that it would only change the registration process for the portable or mobile rock crushing operations. Business operations which have not or do not plan to move their equipment from job site to job site will remain under the current registration structure. The portable or mobile crushing operation will need to be registered as a “site”, similar to a software license concept. The number of sites within the agency jurisdiction that an operator may choose to operate simultaneously will affect the fee, as that represents an additional site that could be inspected.

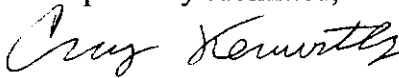
The intention of the proposed regulation changes is to charge the same annual fee, regardless of the actual month the original registration is filed (i.e. no proration of fees). This will manage equities between businesses as some may opt to not renew their registration status with agency in order to wait to see if they get any work in the Puget Sound region. With approximately 80 registered sources that have rock crushers as listed equipment, we estimate 15-20 of those sites may select the portable or mobile option discussed above.

Stakeholder & Public Involvement

Agency staff has been working with representatives of the Washington Aggregates & Concrete Association (Association) to share working drafts and concepts of these proposed changes. In general, the feedback so far has been positive. We expect to have another meeting with the Association before the September Board meeting and hearing to get more feedback. We expect to also have a workshop open to all rock crushing operators currently registered with the agency to discuss the proposal and answer questions. (We are aware that not all registered sources are members of the Association.)

The proposed regulation amendments will be published for a thirty day public comment period and available on the agency website. An announcement of the proposed changes will also be sent to all regulation change e-mail subscribers. It is anticipated that the proposed changes, along with comments received and responses to those comments, will be presented to the Board of Directors for public hearing and action at the September Board meeting.

Respectfully submitted,



Craig Kenworthy
Executive Director

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