

configuration the duct burner followed by the waste heat boiler meets the criteria for a device to be considered a steam generating unit. Neither Applicability Determination NA07 nor NB04 contradict this applicability determination.

Abstract for [0300033]

Q: Is a source controlling SO₂ emissions from a lime kiln using a wet scrubbing system subject to the opacity monitoring requirement in 40 CFR 60.343?

A: No. When using a wet scrubber, the source is not required to monitor the opacity of the gases discharged. Instead, the source must install, calibrate, maintain, operate, and record the resultant information from the monitoring device for the continuous measurement of the pressure loss of the gas stream through the scrubber and from the monitoring device for continuous measurement of the scrubbing liquid supply pressure to the control device. The source must comply with these monitoring requirements even during periods of startup, shutdown, and malfunction.

Abstract for [0300034]

Q1: Will EPA approve an alternative monitoring requirement for NO_x if the emissions from a duct burner steam generating unit commingle with the emissions from the combustion turbines?

A1: Yes. Because the compliance provision under 40 CFR 60.46a(k)(3) requires that NO_x emissions be measured at the point where emissions from the duct burner combine with the emissions from the combustion turbine, EPA will approve an alternative monitoring requirement. The source should use the equation in appendix D to part 72 to calculate the actual gross electric output from the turbines, using the actual heat input instead of the maximum design heat input. The hourly emission (lb/hr) from the NO_x CEM will then be divided by the gross electrical output to yield values in terms of the standard (lb/MWh).

Q2: Will EPA approve a custom fuel monitoring schedule?

A2: Yes, consistent with U.S. EPA's national guidance contained in a policy memorandum, dated August 14, 1987, EPA will allow a custom fuel monitoring schedule under the conditions set out in the letter.

Abstract for [0300035]

Q: Will EPA approve a previous waiver of an initial performance test for a gas turbine based on preliminary

performance source test results for an identical gas turbine?

A: Yes. EPA approves the previous waiver. EPA accepts the preliminary performance source test results for GE LM2500 Turbine B (S/N 671-126) as documentation that it meets the standard for NO_x (40 CFR 60.332(a)(2)) and has determined that the waiver applies to the identical gas turbine GE LM2500 Turbine A (SN 671-125). This approval is contingent on the test report confirming the preliminary results.

Abstract for [0300036]

Q: A landfill is selling its landfill gas to an energy generation company. Are they under "common control" for purposes of determining whether they are a single stationary source under PSD and Title V?

A: Based on the facts, EPA does not consider the landfill and the energy generating facility to be under common control for PSD and Title V (no common financial interests, employees, or dependence on one another). The state may issue two separate Title V permits. However, EPA does consider them to be responsible for compliance with 40 CFR part 60, subpart WWW.

Abstract for [0300037]

Q: Does 40 CFR part 60, subpart VVV, Standards of Performance for Polymeric Coating of Supporting Substrates apply to pultrusion facilities?

A: No, NSPS Subpart VVV does not apply to pultrusion facilities. The operating characteristics of the pultrusion process are different from the polymeric coating process that is covered by NSPS Subpart VVV. NSPS Subpart VVV applies to those polymeric coating processes where solvents are intentionally volatilized out of the coating as a necessary part of the process. In the pultrusion process, the volatile organic compound (styrene) is a reactant, not a solvent. The styrene predominantly becomes an integral part of the final product.

Abstract for [0300038]

Q: As between the owner and operator of a landfill facility and the owner and operator of equipment used to control landfill gas emissions for use in generating electricity, which entity bears the regulatory burden of complying with the requirements of NSPS Subpart WWW?

A: The owner and operator of the landfill facility is required to demonstrate compliance with all applicable provisions of NSPS Subpart WWW pursuant to 40 CFR 60.750(a). All applicable requirements should be incorporated into the facility's Title V

permit. The owner and operator of the equipment utilized to control landfill gas emissions could also be held liable for complying with the regulations. However, the owner of a regulated facility cannot contract away its liability because another entity is contractually obligated to perform activities which are also regulated. [See generally, for example, *United States of America v. Geppert Bros., Inc. and Amstar Corporation*, 638 F. Supp. 996 (D.C. Pa. 1986)].

Dated: June 30, 2003.

Lisa Lund,

Acting Director, Office of Compliance.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7523-9]

Notice of Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as Amended by the Superfund Amendments and Reauthorization Act, Riley Lane Residence Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: Notification is hereby given that the United States Environmental Protection Agency proposes to enter into an Agreement for Recovery of Past Response Costs (Agreement) relating to the Riley Lane Residence Superfund Site located in Salt Lake City, Utah. The proposed Agreement is subject to final approval after the comment period. The Agreement resolves Superfund liability for past costs under section 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (CERCLA), against Union Pacific Railroad. The Agreement requires Union Pacific Railroad to pay EPA \$80,000 in full satisfaction of EPA's claim for past costs incurred in connection with the Riley Lane Residence Superfund Site. For thirty (30) days following the date of publication of this notice, EPA will accept written comments relating to the proposed Agreement. The Agency's response to any comments received will be available for public inspection at the Superfund Records Center at the U.S. Environmental Protection Agency,