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**From:** Lorraine Gershman  
**Sent:** Tue 5/9/2017 9:06:25 PM  
**Subject:** Follow up on NSPS DD: Grain Elevators

Samantha, thank you again for meeting with the Regulatory Improvement Council (Valis Associates) this morning. It was a pleasure to hear from you regarding some of industry's big concerns.

As I mentioned in our brief discussion, NOPA is a part of a coalition of agribusiness trade associations that have been working on the NSPS DD: Grain Elevators for the last decade. In October 2016, EPA's final NSPS package was sent to OMB for review under EO 12866. The revisions would include new emission limits for certain grain elevators; additional testing, monitoring, recordkeeping and reporting requirements; different compliance requirements for periods of startup, shutdown and malfunction; and a new method for calculating emissions from temporary storage facilities. The final rule would apply to grain handling facilities on which construction, modification or reconstruction began after July 9, 2014 - the date the proposed amendments were published in the *Federal Register*. This rule package was not finalized by EPA, and on January 24, 2017, the rule was officially withdrawn from OMB. (See: <https://www.reginfo.gov/public/do/eoDetails?rrid=126938>) At this point in time, we are uncertain if this rule is going to be resubmitted to EPA for review or if EPA will no longer pursue revision of NSPS Subpart DD. That said, in order to not subject new grain elevators to these burdens, it is critical that EPA:

1) not finalize the proposed amendments to NSPS Subpart DD; and 2) formally rescind the July 9, 2014 proposed amendments to NSPS Subpart DD. By formally rescinding this rule, EPA would be able to "bank" the costs of this rule in order to offset the costs of a future rule, as detailed in E.O. 13771 - Reducing Regulations and Controlling Regulatory Costs. Furthermore, we encourage EPA to look to the possibility of rescinding this NSPS, and other outdated NSPS, as part of a larger Regulatory Reform effort.

Jess McCluer, my counterpart at NGFA, briefed Josh Lewis on this issue at the OSDBU stakeholder meeting last month, and requested a meeting. Josh's response was that he is talking to colleagues in the air office and will be in touch soon to discuss next steps.

The coalition will be submitting more detailed comments on this issue to the docket next week, and we are happy to meet with you or the relevant contact person to discuss this issue in more detail.

(As an aside, I was encouraged to hear about EPA's intentions to bring back the Sector Strategies program. I was involved in that effort, and the CAAAC multipollutant sector strategy effort as well, when I was with the American Chemistry Council and found value in both efforts. And I also support EPA educational visits to regulated facilities. I worked with Penny Lassiter in OAQPS to have several of her technical staff accompany me to ethylene production facilities in advance of the RTR efforts. )

Please do not hesitate to contact me if I can be of further assistance.

Best,

Lorraine Gershman

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