

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

2

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→