

Signed December 5, 1996

Michael T. Ostrom
Lieutenant Colonel, U.S. Army
Director, Public Works
Department of the Army
Headquarters
10th Mountain Division and Fort Drum
Fort Drum, New York 13602-5000

Dear Mr. Ostrom:

This letter is in response to questions you raised in a November 14, 1996 letter regarding Title V applicability for Fort Drum. I have responded to each of your questions separately below. The responses are based on EPA's August 2, 1996 guidance entitled "Major Source Determinations for Military Installations under the Air Toxics, New Source Review, and Title V Operating Permits Program of the Clean Air Act" (hereinafter "DOD Guidance") as well as communications with EPA Headquarters and Region 9 who drafted the DOD guidance.

a. That emissions from barracks and housing units used to billet Fort Drum s permanently assigned military personnel and their dependents can be considered separate from the installation s primary mission support sources.

The DOD guidance does provide that residential housing can be separated from a military base's primary mission if the housing is provided as an amenity to Defense personnel (i.e., families of active duty personnel or retired personnel have the option of living in residential housing on base instead of off base). However, this exclusion does not apply to barracks which are necessary to support the primary mission of the base. Therefore, based on the limited information provided in your November 14, 1996 letter, we would agree that residential housing can be separated from the primary mission of Fort Drum, but the barracks which are not an amenity could not. (See page 15 of DOD guidance as well as footnote 28 which states that "food services that support barracks at basic training camps would be grouped with other primary emission units at the camps.")

b. That barracks that are under control of the Installation Commander, but are used to billet Reserve and National Guard unit members during their annual training session which runs May - September, can be considered separate from the installation s primary mission support sources. Guard and Reserve members are considered to be on active duty during their two week annual training periods and they are provided billets in-lieu-of a housing allowance during that period.

You state that the Army Installation Commander has control of the barracks even if the National Guard uses the barracks for part of the year. If the barracks are under the control of the Army Installation Commander, regardless of the fact that other military entities use the facilities during part of the year, the barracks must be included in determining if the portion of Fort Drum under the Army is a major source under Title V. In general, if various military controlling entities use equipment or facilities belonging to one military faction, one military entity must ultimately be responsible or in control of that equipment or facilities and needs to account for the equipment and facilities as part of its source. Therefore, the barracks should not be separated from the installation's primary mission support sources.

c. That emissions from those facilities on Fort Drum not under common control of the Installation Commander (i.e., National Guard, U.S. Army Reserve, U.S. Army Medical Activity, Army Air Force Exchange Service, etc.) can be excluded from Fort Drum's major source determination as suggested in the above memorandum. Their emissions and Title V applicability would be determined separately.

Only the National Guard can be considered not under common control of the Army Installation. Page 4 of the DOD Guidance states: "Pollutant-emitting activities under the control of the following entities may be considered under separate control when making major source determinations at military installations: the Army, the Navy, the Air Force, the Marine Corps, the National Guard, and the defense agencies taken collectively (i.e., all the defense agencies at a military installation would be considered under common control)." You cannot further separate out functions of the Army into smaller categories of control. It appears that the U.S. Army Reserve, U.S. Army Medical Activity, Army Air Force Exchange Service all fall under the common control of the Army. Once common control is established, the SIC/support facility test discussed in the DOD guidance must be applied to determine whether the activities can be separated from the primary mission of the base, or whether they must be included in the Army Installation's inventory of all emitting activities.

If the actual emissions from the primary and support services under the Army, pursuant to the above guidance, are below major source thresholds even if the potential to emit is above, then we agree that you should work with New York on applying for a synthetic minor permit.

If you have any questions, please contact Christine Fazio of my staff at 212-637-4015.

Sincerely yours,

Steven C. Riva, Chief
Permitting Section, Air Programs Branch

cc: Loren Zeilhofer, Fort Drum