



NGFA Advises Members of EPA Letter on Tentative Classification of Certain Types of Temporary Grain Storage under Clean Air Act's New Source Performance Standard: The NGFA this week received a letter from the U.S. Environmental Protection Agency (EPA) – attached to this edition of *NGFA E-Alert* – regarding the agency's tentative conclusions regarding the classification of certain temporary storage structures with respect to permitting and environmental regulations under the Clean Air Act's New Source Performance Standards. In essence, EPA's letter states that it considers certain classes of temporary storage to be permanent storage based upon the *Webster's Dictionary* definition of "bin." EPA's letter also states that the agency "intends to proceed with a notice-and-comment rulemaking...to clarify the issue," while noting that the letter "is not a site-specific applicability determination and does not represent final agency action." While transmitting EPA's letter to keep members informed, the NGFA disagrees with the agency's position and is taking action at this time to counter it and to request reconsideration. Importantly, the NGFA requests that if your company confronts an enforcement action by either federal EPA or a state or regional EPA office, that you contact Jess McCluer, Randy Gordon or Kendell Keith at the NGFA at 202-289-0873. Depending upon the facts and circumstances of any particular enforcement activity, the NGFA may consider what supportive action may be appropriate to protect the overall interest of the industry. Regardless of the NGFA's decision on involvement in individual situations that could have broader implications industrywide, the Association believes the assimilation of data on any enforcement activities could prove useful.