UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Ms. Marceia L. Cox
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Environmental Compliance Support
International Paper
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Dear Ms. Cox,

This letter is in response to the questions you raised in your March 8, 2006, letter regarding the implementation of the Health Based Compliance Alternative (HBCA) under the National Emission Standard for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters (40 CFR, Part 63, Subpart DDDDD). Your questions, along with our responses are provided below.

1) The Health Based Compliance Alternative (HBCA), Appendix A, Section 3 requires "every emission point subject to Subpart DDDDD that emits either HCl/Cl2" or "TSM" to be included in the eligibility demonstration. Section 4 goes on to say that "you must conduct HAP emissions test or fuel analysis for every emission point covered under Subpart DDDDD". What units are considered to be "subject to" or "covered under" Subpart DDDDD that need to be included in the eligibility demonstration? Does it include gas fired units that are affected sources but have no emission limit for TSM or HCl?

A unit "subject to" or "covered by" Subpart DDDDD includes any unit that is part of an affected source described in 40 CFR Sections 63.7485 and 63.7490 of Subpart DDDDD. A unit that is classified as an affected source under these provisions is still an affected source or part of an affected source even if that unit is in a subcategory for which EPA has not promulgated emissions limitation for some or all of the relevant pollutants. Thus, any unit that qualifies as an affected source or is part of an affected source is "subject to" or "covered under" Subpart DDDDD for purposes of Appendix A. However, Appendix A of Subpart DDDDD does not necessarily require testing of all units at an affected source in order to demonstrate eligibility for the HBCA.

If a unit at an affected source does not emit HCl, chlorine, or manganese, an owner or operator may not need to include testing or analysis from that unit in its demonstration of eligibility for one or both of the HBCA. In accordance with Section 3 of Appendix A, the eligibility demonstration for the HCl alternative must include every emissions point that emits HCl or chlorine at an affected source and the eligibility demonstration for the TSM alternative must include every emissions point that emits manganese at an affected source. Emissions points that do not emit these pollutants at an affected source do not need to be included in the relevant eligibility demonstration for that source. Consistent with this basic requirement in Section 3 of Appendix A, Sections 4(g), 5(a), 6(a)(2), and 6(b) of Appendix A refer to "appropriate emissions points." Sections 6(a)(2) and (b) of Appendix A define "appropriate emission point" as those that emit either HCl or chlorine (in the case of the HCl compliance alternative) or manganese (in the case of the TSM compliance alternative).

Based on the emissions data evaluated by EPA in promulgating Subpart DDDDD and other regulations, we understand that the combustion of natural gas does not typically produce emissions of HCl, chlorine, or manganese. Thus, in the absence of exceptional circumstances, we would ordinarily not expect that owners or operators of natural gas fired boilers or process heaters would need to conduct emission tests or fuel analyses for natural gas fired boilers and process heaters as part of the eligibility demonstration for the HBCA for either HCl/Cl2 or TSM.

If an owner or operator cannot otherwise clearly show that HCl, chlorine, or manganese are not emitted from an emissions point at an affected source, the owner or operator must test or analyze the emissions point for these pollutants in accordance with Section 4 of Appendix A. Section 4(a) states that "you must conduct HAP emissions tests or fuel analyses for every emission point covered under Subpart DDDDD within the affected source facility according to the requirements in paragraph (b) through (f) of this section and the methods specified in Table 1 of this appendix." Consistent with Section 3 of Appendix A, EPA does not interpret Section 4 to require testing or analyses where a source can clearly establish (as in the case of natural gas-fired units) that an emissions point does not emit HCl, chlorine, or manganese. If these pollutants are emitted from the emissions point or the source cannot show that they are not, the emission point should be tested or analyzed in accordance with the requirements of Section 4 of Appendix A.

2) What are the operating limits for a control device when the Health Based Compliance Alternative (HBCA) is used and Mn emission rate is determined by stack testing and the total selected metals, excluding manganese, (hereafter referred to as TSM-7) is also determined via stack testing? Must the control device operating limits in Table 3 be adopted exclusively or are other monitoring parameters allowed and if so, do these require alternative monitoring approval under 40 CFR 63.8(f)? If flexibility is allowed in Table 3 parameters, is that flexibility limited only to HBCA pollutant monitoring or is the same flexibility offered for TSM-7? For example, suppose a mill wants to use differential pressure across a multiclone as the

operating parameter for both Mn and TSM-7 emission testing. What, if any, approvals are required or who must approve the request to use differential pressure?

An owner or operator may request an approval for an alternative monitoring option under 40 CFR Section 63.8(f) in lieu of the operating requirements in Table 3 of Subpart DDDDD. A request to use the pressure differential across a multiclone would need to be submitted to the appropriate EPA regional office for approval. In the absence of such approval, the operating limit for a control device at a source subject to the HBCA for TSM (the TSM limitation for 7 metals, not including manganese) is the same as the operating limits for the TSM limitation (including 8 metals) at a source that is not eligible for the HBCA.

This response has been coordinated with the Office of Air Quality Planning and Standards and the Office of General Counsel. If you have any questions concerning this determination, please contact Gregory Fried at (202) 564-7016.

Very Truly Yours,

M. A. Alushin

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