UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Mr. John Benedict
Director
West Virginia Division of Air Quality
601 57th Street SE
Charleston, West Virginia 25304

Dear Mr. Benedict,

This letter is in response to your August 4, 2006, request for an Agency response to questions raised regarding the National Emission Standards for Hazardous Air Pollutants (NESHAP) 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) Are companies required to perform worse-case stack testing for HCl and fuel analysis for chlorine content for each affected source (i.e., each boiler) or can companies use representative stack testing for the same type of affected sources (i.e., stoker-fired boiler, pulverized boilers, etc.), but may be of different size (i.e., 60 MMBtu/hr, 235 mmBtu/hr, etc.)? Also, are companies required to stack test for HCl on a common stack (i.e., two or three boilers feed one stack) at worse-case conditions or are companies required to stack test each boiler in a duct before a common stack at worse-case conditions?

Companies attempting to determine eligibility for the compliance alternative for HCl by stack testing must test the Subpart DDDDD units under "worst case operating conditions" for both HCl and Cl_2 using the emission test methods in the table identified as Table 1 to Appendix B of Subpart DDDDD. This is actually Table 1 of Appendix A, because there is a typographical error in the heading. Subpart DDDDD does not contain an Appendix B. Companies attempting to determine eligibility for the compliance alternative for HCl by fuel analysis must test the Subpart DDDDD units under "worst case operating conditions" using the fuel analysis requirements in Table 6 to Subpart DDDDD, and assume any chlorine detected will be emitted as Cl_2. See 40 C.F.R. Subpart DDDDD, Appendix A, Section 4. Since Appendix A does not specify fuel analysis methods, EPA interprets the fuel analysis requirements in 40 CFR Section 63.7521 and Table 6 of Subpart DDDDD to be applicable to eligibility demonstrations for the health based compliance alternatives.

Companies can not use representative testing when using stack testing to determine eligibility for the compliance alternative for HCl. Each Subpart DDDDD unit must be tested separately, except for Subpart DDDDD units ducted to a common stack. Appendix A of Subpart DDDDD does not address common stack scenarios, but EPA would apply the same common stack principles reflected in 40 CFR Section 63.7522, as amended. EPA has proposed to modify this provision to allow common stack testing. See 70 Fed. Reg. 62264 (Oct. 31, 2005). Thus, under EPA's interpretation of the HBCA eligibility demonstration methodology, multiple Subpart DDDDD units ducted to a common stack can test at "worst-case operating conditions" in the common stack. Companies attempting to determine eligibility under the HBCA for HCl by using fuel analysis are not required to test the fuel for each Subpart DDDDD unit if the units are burning the same fuel. 40 CFR Section 63.7521; 40 CFR Subpart DDDDD, Table 6.

2) What parameters are companies required to monitor to demonstrate continuing compliance with the Health Based Compliance Alternative (HBCA) demonstration and at what frequency are companies required to monitor these parameters for the HBCA (if companies conduct stack testing)? Can companies use fuel feed rate based upon back calculating from the boiler steam rate and use chlorine content of the fuel or are other parameters required? And on what frequency (i.e., hourly, daily, etc.) are the parameters required to be monitored?

As amended in December 2005, Appendix A, Section 8(d) specifies that companies are required to identify process parameters that define the affected source as eligible for the health-based compliance alternative and to submit those parameters for incorporation into the Title V permit. The source has the discretion to choose appropriate parameters meeting the requirements of Appendix A, Section 8(d), subject to review by the Title V permitting authority. Appendix A does not specify the monitoring frequency for each parameter, but this should be addressed in the proposed Title V permit conditions on a site-specific basis. Companies are required to demonstrate continuous compliance in accordance with the terms of these conditions and to reflect these conditions in their Title V compliance certifications.

3) Are companies required to set a maximum upper limit (based upon the worse-case testing) of chlorine content of fuel and operating parameters (i.e., steam rate, etc.) or can companies extrapolate these parameters above the worse-case testing, as long as they do not exceed the risk determination? In other words, can companies use a combination of fuel feed rate (based on calculations from the boiler steam rate), chlorine content of the fuel, and percent HCl from the stack test to determine their maximum HCl emission rate to demonstrate continuing compliance with the HBCA? If the maximum operating parameters (set during the worse-case testing) are not required to be set as an upper enforceable limit, what range for the operating parameters would be required to be incorporated into the Title V permit?

Under the HBCA, owners or operators are required to conduct HAP emission tests or fuel analysis for every emission point covered under subpart DDDDD within the affected source facility. Appendix A, Section 4(a). In addition, each test must be

conducted under "worst-case operating conditions" as the term is defined in Appendix A, Section 13. Appendix A, Section 4(b)(2). Companies can not extrapolate worst-case emissions in lieu of actual HAP emission tests as part of their updated eligibility demonstration. The maximum operating parameters established during HAP emission tests under "worst-case operating conditions" are required to be incorporated into the Title V permit per Appendix A, Section 8(d).

4) Will EPA accept stack test results for the HBCA conducted in accordance with EPA Method 26 and 26A without the required EPA audit samples for QA/QC?

Under Subpart DDDDD, the acceptability of an HBCA eligibility demonstration is the responsibility of the state, although EPA will be conducting audits of some demonstrations in its oversight capacity. However, EPA believes it is acceptable to conduct stack tests for the HBCA in accordance with EPA Method 26 and 26A without the required EPA audit samples for quality assurance/quality control (QA/QC).

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,

Michael S. Alushin, Director
Compliance Assessment and Media Programs Division
Office of Compliance

cc: Jim Eddinger, Office of Air and Radiation
Brian Doster, Office of General Counsel
Mamie Miller, Office of Enforcement and Compliance Assurance