



west virginia department of environmental protection

Division of Air Quality
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Joe Manchin III, Governor
Stephanie R. Timmermeyer, Cabinet Secretary
www.wvdep.org

February 1, 2005

FIELD(4), FIELD(5)
FIELD(6)
FIELD(7)
FIELD(8), FIELD(9) FIELD(10)

Re: FIELD(3), FIELD(1)

Affected sources potentially subject to 40CFR63, Subpart DDDDD “Industrial, Commercial, and Institutional Boilers and Process Heaters (Boiler and Process Heater MACT)”

- Initial Notification requirements (due March 12, 2005)
- Possible reopening of Title V permits for cause pursuant to 45CSR§30-6.6a.1
- Health-based compliance alternatives dates; emissions testing or fuel analysis requirements

Dear Responsible Official:

The Division of Air Quality (DAQ) is providing notice to facilities that are major sources of hazardous air pollutants (HAPs) that could be subject to 40CFR63, Subpart DDDDD “National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters,” (Boiler and Process Heater MACT). Due to the September 13, 2004 promulgation date and the upcoming March 12, 2005 initial notification deadline for existing sources, the DAQ would like to take this opportunity to highlight a few key milestones that will apply to affected sources. This correspondence also addresses the need to develop a place holder for incorporating this standard into your facility’s Title V permit. Additionally, please be aware that this rule allows health-based compliance alternatives which are subject to eligibility criteria and deadlines. Finally, please note that while this subpart has been challenged, these requirements remain legal obligations until the subpart has been stayed in whole or part, or a revised final rule is promulgated.

What type of sources are subject to the “Boiler and Process Heater MACT”?

Examples of regulated entities subject to the Boiler and Process Heater MACT are listed in the Federal Register as industrial boilers, institutional and commercial boilers, and process heaters. Specifically, affected units are those that are located at major sources of HAPs. A major source of HAP emissions is any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit (including fugitive emissions) any single HAP at a rate of 10 tons or more per year or any combination of HAPs at a rate of 25 tons or more a year. Please refer to 40CFR§63.7485 of the standard for specific applicability criteria. This regulation can be accessed online at <http://www.gpoaccess.gov/ecfr>.

Promoting a healthy environment.

The US EPA also maintains valuable resources concerning the Boiler and Process Heater MACT on the world wide web at <http://www.epa.gov/ttn/atw/boiler/boilerpg.html>. Resources included at this location are rule and technical information, including applicability tables and flow charts, fact sheets, time lines, an example initial notification form, and other relevant documents that relate to the Boiler and Process Heater MACT. Also, DAQ maintains a Boiler and Process Heater MACT Fact Sheet located on the Air Toxics web page, found under the Permitting Section at <http://www.wvdep.org/daq>.

When will I have to comply?

The Boiler and Process Heater MACT was proposed on January 13, 2003; signed on February 26, 2004; promulgated on September 13, 2004; and became effective on November 12, 2004. Section 40CFR§63.7510 defines compliance dates based on the date in which the source commenced construction or reconstruction. Therefore, in this standard an **existing source** is defined as one that commenced construction or reconstruction before the proposal date of January 13, 2003. Per 40CFR§63.7495(b), existing sources are required to comply with the standard by no later than September 13, 2007. **New affected** sources are defined as sources which commenced construction or reconstruction on or after January 13, 2003. Per 40CFR§63.7495(a), new affected sources are required to comply with the standard upon startup, but not earlier than the effective date of November 12, 2004.

Initial Notification Requirements

Prior to the compliance dates referenced above an affected source is obligated to submit an initial notification pursuant to 40CFR§63.9(b) through (h) and 40CFR§63.7545.

- Existing sources which startup before November 12, 2004 shall submit the initial notification no later than **March 12, 2005**. This date corresponds to 120 days from November 12, 2004, pursuant to 40CFR§63.7545(b).
- New or reconstructed sources, which startup on or after November 12, 2004 are required to submit the initial notification no later than **15 calendar days** after the actual date of startup of the affected source, pursuant to 40CFR§63.7545(c).

An example initial notification form is maintained by US EPA at http://www.epa.gov/ttn/atw/boiler/initialnote9_13_04.pdf

Initial notifications **must** be sent to John A. Benedict, Director of DAQ, and to US EPA Region III. US EPA Region III notifications can be sent to either of the two individuals below:

Judith M. Katz, Director
Air Protection Division
3AP00
1650 Arch Street
Philadelphia, PA 19103-2029

Chris Pilla, Chief
Air Enforcement Branch
3AP12
1650 Arch Street
Philadelphia, PA 19103-2029

Please refer to the enclosed table for a list of subcategories of boilers and process heaters that are only required to submit an initial notification under this subpart. Additionally, the table notes subcategories that are exempt from the subpart. All other subcategories are fully subject to this subpart and must submit notifications and perform recordkeeping, reporting, and testing.

Health-Based Compliance Alternatives: A Risk Assessment Option

The Boiler and Process Heater MACT is unique in that it may be possible for your affected source to opt out of the technology requirements for certain emission standards via a risk assessment. This procedure is described in Appendix A of the subpart. Such assessments examine hydrochloric acid (HCl), chlorine (Cl₂),

and manganese (Mn), which is a surrogate for Total Selected Metals, or TSM. It may be possible for you to complete this assessment using the look-up table provided in the subpart. If your facility does not pass the look-up table analysis, a site specific risk assessment may be performed. Every emission point covered under this subpart must be addressed in the source testing and subsequent health-based compliance alternative.

All risk assessment evaluations under this subpart require either emissions testing or fuel analysis under worst-case operating conditions to obtain emissions data for every covered emission point. DAQ is **requiring** the procedures for conducting performance tests under 40CFR§63.7.(b), (c), (e), (g), and 40CFR§63.9(e) be observed for gathering data to be used in low risk demonstrations. This should avoid the need to retest due to conducting the source test at less than the maximum emission rate and/or insufficient detail being recorded during the test. This includes submission of a testing protocol to DAQ 60 days in advance of emissions testing or fuel analysis and submission of these source test results within 60 days of completion. Note that per 40CFR§63.7(g), completion of a performance test is defined as when field sample collection is terminated. DAQ maintains source testing guidance, which is available upon request. Please be aware that if your facility can meet either alternative compliance test for HCl, then scrubbers would not be required to control certain HAPs. However, fabric filters may still be required to reduce particulate emissions for the separate particulate matter standard.

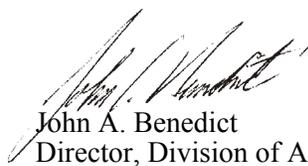
September 13, 2006 is the existing source deadline for submittal of an eligibility demonstration for low risk for HCl and/or Mn, as specified in Appendix A, Section 9(a) of this subpart. Please see Appendix A, Sections 9(b) through (c) of this subpart for details on submitting the health-based eligibility determination for new or reconstructed affected sources. This submittal is based upon the source testing data obtained via the procedures discussed above. If your facility is considering using the health-based compliance alternative under this subpart, DAQ recommends a meeting prior to submission of the low risk eligibility demonstration.

Reopening of Title V Operating Permits and Significant Modifications

Existing affected sources, which have a Title V Operating Permit that expires after September 13, 2007 may also be subject to reopening for cause pursuant to 45CSR§30-6.6.a.1. Such reopening of the Title V permit shall be completed not later than eighteen (18) months after promulgation of the applicable standard. With respect to the Boiler and Process Heater MACT the reopening should be completed by March 13, 2006. The reopening serves to establish a place holder that requires a Title V application for significant modification to be submitted and determined complete six (6) months prior to the compliance date of September 13, 2007 for existing Boiler and Process Heater MACT sources. Therefore, a Title V application for a significant modification shall be determined complete by March 13, 2007 and shall serve to establish the specific MACT limits as they apply to the affected source as well as incorporate methods of demonstrating compliance with these limits.

Should you have any questions or comments pertaining to 45CFR§63, Subpart DDDDD “Boiler and Process Heater MACT” please contact Todd Shrewsbury (extension 1696) or Renu Chakrabarty (extension 1246) with questions regarding health-based compliance options at (304) 926-0499.

Sincerely,



John A. Benedict
Director, Division of Air Quality

Enclosure

Boilers/Process Heaters with Limited MACT Requirements

NOT SUBJECT TO ANY REQUIREMENTS OF THE FINAL RULE (40CFR63, SUBPART DDDDD), OR SUBPART A [§63.7506(c)]

New Boiler or Process Heater

- Gaseous Fuel, Small Unit

Existing Boiler or Process Heater

- Solid Fuel, Small Unit
- Liquid Fuel, Small Unit
- Gaseous Fuel, Small Unit

ONLY INITIAL NOTIFICATION PER 40CFR63.9(b) MUST BE SUBMITTED & NO SSM PLAN REQUIRED [§63.7506(b)]

New Boiler or Process Heater

- Liquid Fuel, Small Unit - that only burns gaseous fuels or distillate oil
“Distillate oil” means fuel oils, including recycled oils, that comply with the specifications for fuel oil numbers 1 and 2, as defined in ASTM D396-02a.

Existing Boiler or Process Heater

- Liquid Fuel, Large Unit
- Liquid Fuel, Limited Use
- Gaseous Fuel, Large Unit
- Gaseous Fuel, Limited Use

ALL OTHER BOILERS AND PROCESS HEATERS MUST SUBMIT NOTIFICATIONS & PERFORM RECORDKEEPING, REPORTING, AND TESTING PER 40CFR63, SUBPART DDDDD