Final Determination

045 0005

St. Joe Forest Products Company
Gulf County

Activation of No. 6 Smelt Dissolving Tank and Installation of Emission Control System for No. 5 and No. 6 Smelt Dissolving Tanks

Permit No. AC 23-139086

Florida Department of Environmental Regulation
Bureau of Air Quality Management
Central Air Permitting

August 5, 1988

Final Determination

St. Joe's application for a construction permit for the activation of the No. 6 Smelt Dissolving Tank (SDT) and installation of emission control equipment on both No. 5 and 6 SDTs at the existing facility in Gulf County, has been reviewed by the Department. Public Notice of the Department's Intent to Issue the permit was published in The Star on April 7, 1988.

Although comments in response to the Public Notice were received late, the Department will address them in this determination.

Since the comments (received April 26, 1988) address a substantial portion of the permit, the comments and the amended permit are attached rather than written out. The Department's consideration of comments is described below.

General Description; and Specific Conditions Nos. 2, 3, 7, 8, 10, 11 and 12

The permittee objected to the NSPS designation for two reasons: (1) The changes to the green liquor recirculation system did not constitute a modification pursuant to 40 CFR 60.2 and 60.14; and, (2) The analysis of reconstruction submitted pursuant to 40 CFR 60.15 indicated the cost of installing a new smelt dissolving tank (vessel) to be less than 50% of the cost of installing a new smelt dissolving tank system (as defined by the permittee). As stated in the Technical Evaluation and Preliminary Determination, the NSPS designation is not based on the occurance of a modification (40 CFR 60.14) or reconstruction (40 CFR 60.15). The NSPS designation is--as stated in the Technical Evaluation and Preliminary Determination--based on the permittee's admitted construction (installation, erection, and/or fabrication) of new smelt dissolving tanks (vessels) six years after the effective date of the NSPS (September 24, 1976). Pursuant to 40 CFR 60, Subpart BB, the "affected facility" is by definition the smelt dissolving tank (vessel) itself and not the smelt dissolving tank system. The federally enforceable designation of these smelt dissolving tanks (vessels) as subject to the federal NSPS was made by the U.S. EPA on the basis of authority that is not delegated to the State of Florida (federal policy memo PN 111(e)-86-09-11-00 and the May 20, 1988 letter to Steve Smallwood). The permittee was given the opportunity to prove that the smelt dissolving tanks (vessels) installed in 1981 were originally constructed as smelt dissolving tanks (vessels) at another location prior to September 24, 1976. The permittee did not provide the needed proof. The NSPS applicability determination made by the U.S. EPA and supported by the Department stands.

The description of the No. 5 and No. 6 smelt dissolving tanks which appears on the face of the permit has been amended. The parenthetical description of how the No. 5 and No. 6 smelt dissolving tanks are operated has been replaced. The description now indicates that the No. 5 smelt dissolving tank is connected to a green liquor recirculation system; and, the No. 6 smelt dissolving tank is not connected to a green liquor recirculation system.

Changes have also been made to Specific Conditions Nos. 7 and 12. In Specific Condition No. 7, the requirement to continuously monitor pH has been changed to hourly. In Specific Condition No. 12, the date for filing an application for an operation permit has been changed from June 11, 1989 to July 7, 1989.

Specific Conditions Nos. 4 and 5

These conditions remain unchanged since the limitation on hourly mass TRS emissions is consistent with the requirements of FAC Chapter 17-2 as they apply to all sources including sources of TRS. The limitation is also consistent with practices which the Department has implemented since 1972, and federal policy.

Specific Condition No. 9

The quarterly excess emissions reporting requirement is by rule and therefore this condition will remain unchanged.

Specific Condition No. 14

The Specific Condition No. 14 that the applicant objected to will be deleted in its entirety. The Department believes the modeling provides reasonable assurance with respect to this permit that the No. 5 and 6 smelt dissolving tanks are not expected to cause or significantly contribute to violations of ambient air quality standards or PSD increments. The Department does accept the commitments that were made on behalf of the applicant in the letters received on February 18, 1988 and March 25, 1988. The resolution of the issues concerning side slakers A and B will require the applicant to apply for the necessary permits to make these slakers subject to federally enforceable permit conditions.

The applicant also made comments about the Technical Evaluation and Preliminary Determination. The Department has not addressed these comments because they do not affect the stated specific conditions of the permit.

Comments received on June 2, 1988 provide information on Nos. 5, 6, and 7 Recovery Boilers and Smelt Dissolving Tanks at the applicant's existing facility. However, these comments do not alter the Department's technical evaluation of the project.

In addition, the Department will clarify Specific Condition No. 10, by adding specific compliance test methods required in accordance with Chapter 17-2 of the Florida Administrative Code.

St. Joe has requested an Administrative Hearing pursuant to Chapter 120, F.S. to resolve issues about the permit. The final action of the Department will be to issue the permit as proposed in the Preliminary Determination with the amendments described above. The Department's final action is pursuant to the July 27, 1988 stipulation with the permittee.

Florida Department of Environmental Regulation

Twin Towers Office Bldg. ● 2600 Blair Stone Road ● Tallahassee, Florida 32399-2400

Bob Martinez, Governor Dale Twachtmann, Secretary John Shearer, Assistant Secretary

PERMITTEE:
St. Joe Forest Products
Company (SJFPC)
P. O. Box 190
Port St. Joe, FL 32456-0190

Permit Number:AC 23-139086
Expiration Date: Sept. 9, 1989
County: Gulf
Latitude/Longitude: 29° 49' 11"N
85° 18' 48"W
Project: Activation of No. 6 Smelt Dissolving Tank and Installation of an Emission Control System for No. 5 and No. 6 Smelt Dissolving Tanks

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule(s) 17-2 and 17-4. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawings, plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

The construction needed to activate the No. 6 smelt dissolving tank. This includes the work necessary to reopen the smelt entrance in the top of the tank, replacement of the agitator, and reuse of the presently installed tank nozzles. The construction necessary to join the presently installed duct work from the No. 5 and No. 6 smelt dissolving tanks, to install a Ducon Dissolving Tank Vent Stack Dynamic Scrubber, Size 102, Type UW-4, Model IV with venturi scrubber and described appurtenances. On February 10, 1988, the U.S. EPA determined--pursuant to federal policy memo PN 111(e)-86-09-11-00--that the No. 5 and No. 6 smelt dissolving tanks are federal new sources because new smelt dissolving tanks were installed in 1981. The installation of the new smelt dissolving tanks constitutes the construction of affected facilities pursuant to 40 CFR 60.2 and 40 CFR 60, Subpart BB. Solely for the purpose of documenting the present method of operation, the No. 5 smelt dissolving tank is connected to a green liquor recirculation system; and, the No. 6 smelt dissolving tank is not connected to a green liquor recirculation system. The dimensions of the No. 5 and No. 6 smelt dissolving tanks are 20 ft. in diameter by 14 ft.-6 in. high.

Construction shall be in accordance with the attached permit application and additional information except as otherwise noted in the General Conditions and Specific Conditions.

Attachments:

1. Application to Construct an Air Pollution Source, 17-1.202(1), received September 3, 1987.

Attachments Continued:

2. C. H. Fancy's letter (with attachment)to SJFPC dated October 2, 1987.

3. L. W. Taylor's letter (with attachments) to FDER received November 12, 1987.

4. C. H. Fancy's letter (with attachments) to SJFPC dated December 11, 1987.

5. C. H. Fancy's letter (with attachment) to SJFPC dated January 20, 1988.

6. J. C. Brown's letter to U.S. EPA dated January 20, 1988.

7. R. E. Nedley's letter dated January 28, 1988 and received February 2, 1988.

8. J. T. Wilburn's letter to FDER dated February 10, 1988 and received February 15, 1988.

9. Technical Evaluation and Preliminary Determination dated March 23, 1988.

10. Terry Cole's letter received April 26, 1988.

11. Federal Policy Memo PN 111(e)-86-09-11-00.

12. B. P. Miller's letter to Steve Smallwood dated May 20, 1988 and received May 24, 1988.

13. Victor Hutcheson's letter received June 2, 1988.

14. Stipulation dated July 27, 1988.

15. Final Determination dated August 5, 1988.

PERMITTEE:
St. Joe Forest Products Company (SJFPC)

Permit Number: AC 23-139086
Expiration Date: Sept. 9, 1989

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable pursuant to the authority of Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is hereby placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of the "Permit Conditions" by the permittee, its agents, employees, servants or representatives.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit does not constitute a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.

4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefore caused by the construction or operation of this permitted source, nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

GENERAL CONDITIONS:

6. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:

a. Having access to and copying any records that must be kept under the conditions of the permit;

b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and

c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately notify and provide the Department with the following information:

a. a description of and cause of non-compliance; and

b. the period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

GENERAL CONDITIONS:

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the Department, may be used by the Department as evidence in any enforcement case arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.73 and 403.111, Florida Statutes.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

11. This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 17-4.12 and 17-30.30, as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.

13. This permit also constitutes:

( ) Determination of Best Available Control Technology (BACT)
( ) Determination of Prevention of Significant Deterioration (PSD)
(x) Compliance with New Source Performance Standards.

14. The permittee shall comply with the following monitoring and record keeping requirements:

a. Upon request, the permittee shall furnish all records and plans required under Department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the Department, during the course of any unresolved enforcement action.

GENERAL CONDITIONS:

b. The permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule.

c. Records of monitoring information shall include:

- the date, exact place, and time of sampling or measurements;
- the person responsible for performing the sampling or measurements;
- the date(s) analyses were performed;
- the person responsible for performing the analyses;
- the analytical techniques or methods used; and
- the results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be submitted or corrected promptly.

SPECIFIC CONDITIONS:

1. The No. 5 and No. 6 smelt dissolving tanks shall be allowed to operate continuously (i.e., 8760 hrs/yr).

2. Particulate emissions from each smelt dissolving tank (No. 5 and No. 6) shall exceed neither 0.1 g/kg (0.3 lbs/3000 lbs) dry black liquor solids fed to the recovery boiler that supplies smelt to the dissolving tank, nor 5.0 lbs/hr nor 21.9 tons/year.

PERMITTEE:
St. Joe Forest Products Company (SJFPC)

Permit Number: AC 23-139086
Expiration Date: Sept. 9, 1989

SPECIFIC CONDITIONS:

3. The aggregate total particulate emissions from the No. 5 and No. 6 smelt dissolving tanks shall exceed neither 0.1 g/Kg (0.3 lbs/3000 lbs) dry black liquor solids fed to the No. 5 and No. 6 recovery boilers, nor 10.0 lbs/hr nor 43.8 tons/year.

4. Total reduced sulfur (TRS) expressed as H_2S, emissions from each smelt dissolving tank (No. 5 and No. 6) shall exceed neither 0.016 g/kg (0.048 lbs/3000 lbs) dry black liquor solids fed to the recovery boiler that supplies smelt to the dissolving tank, nor 0.80 lbs/hr, nor 3.5 tons/year.

5. The aggregate total of TRS, expressed as H_2S emissions from the No. 5 and No. 6 smelt dissolving tanks shall exceed neither 0.016 g/Kg (0.048 lbs/3000 lbs) dry black liquor solids fed to the No. 5 and No. 6 recovery boiler, nor 1.60 lbs/hr nor 7.0 tons/year.

6. The dry black liquor solids (including chemical make-up) feed rate to each recovery boiler (No. 5 and No. 6) shall not exceed 50,159 lbs of dry black liquor solids/hour. The aggregate total black liquor solids (including chemical make-up) feed rate to the No. 5 and No. 6 recovery boilers shall not exceed 100,318 lbs of dry black liquor solids/hour.

7. SJFPC shall monitor and record the hourly feed rate of dry black liquor solids to each recovery boiler (No. 5 and No. 6). SJFPC shall continuously monitor and record supply pressure of the scrubbing medium to the scrubber; and, the pressure drop across the scrubber. SJFPC shall monitor and record the pH of the scrubbing medium hourly. The monitoring and recording equipment shall be installed, certified, calibrated, operated, and maintained pursuant to all applicable provisions of 40 CFR 60, FAC Rule 17-2.710, and FAC Rule 17-2.971.

8. SJFPC shall develop a set of surrogate parameter limits which are indicative of compliance pursuant to the requirements of FAC Rule 17-2.710. The surrogate parameters shall include those which are to be monitored and recorded pursuant to Specific Condition No. 7.

9. Excess emissions based on Specific Condition No. 8 shall be reported quarterly pursuant to FAC Rule 17-2.710.

PERMITTEE:
St. Joe Forest Products Company (SJFPC)

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Expiration Date: Sept. 9, 1989

SPECIFIC CONDITIONS:

10. Point source emission testing to demonstrate compliance with Specific Conditions Nos. 2-5 shall be conducted at 90 to 100 percent of the maximum operation rate allowed by Specific Condition No. 6 in accordance with the applicable requirements of FAC Rule 17-2.700 and 40 CFR 60. EPA Method 5 for PM and EPA Method 16 or 16A for TRS shall be used for compliance testing. The initial compliance testing is to be completed by May 12, 1989, and is to be conducted annually thereafter. Compliance test reports shall be submitted to the DER Northwest District office within 30 days of test completion pursuant to 40 CFR 60.

11. SJFPC shall also comply with all applicable provisions of state and federal laws and regulations including Chapter 403, FS; FAC Chapter 17-2; FAC Chapter 17-4; and 40 CFR 60.

12. SJFPC shall submit an application for a permit to operate the No. 5 and No. 6 smelt dissolving tanks to the DER NW District office, Air Programs, not later than July 7, 1989. The application shall be accompanied by the appropriate application fee, compliance test results, certification data, surrogate parameter limits, and supporting data.

13. For the purposes of PSD increment consumption only, the estimated changes in emissions resulting from the control of emissions at an operation rate of 50,159 lbs dry black liquor solids per hour are:

	Pre(1) Compliance		Post(1) Compliance		Change	
Pollutant	lb/hr	T/Yr	lb/hr	T/Yr	lb/hr	T/Yr
Particulate (2)	27.8	121.8	10.0	43.8	-17.8	-78.0
TRS	7.7	33.7	1.6	7.0	-6.1	-26.7
Sulfur Dioxide (3)	7.0	30.7	7.0	30.7	0	0

(1) All emissions in the table assume both smelt tanks operating.
(2) Precompliance rate - 10/28/87 test of No. 5 smelt tank.
(3) Precompliance rate - 10/86 edition of AP-42 which indicates 0.2 lb/TADP.

These estimated changes may be amended on the basis of pre and post compliance testing.

PERMITTEE:
St. Joe Forest Products Company (SJFPC)

Permit Number: AC 23-139086
Expiration Date: Sept. 9, 1989

SPECIFIC CONDITIONS:

Issued this_____day of_____, 1988

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION

_____
Dale Twachtmann, Secretary

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April 26, 1988

Mr. Bill Thomas, P.E. III
Bureau of Air Quality Management
Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Reconstruction Cost Has Nothing To Do With The Issue. Emissions Also Do Not Determine NSPS For This Case. Issue Is Installation Of Affected Facility. SDT's Are NSPS.
Mike 6/7/88

Re: Permit Number AC 23-139086
Smelt Dissolving Tanks 5 & 6

Dear Mr. Thomas:

The purpose of this letter is to provide comments on areas of concern in the above-referenced permit for the Number 5 and 6 smelt dissolving tanks. I believe that the overriding concern of St. Joe Forest Products Company has been resolved by the Department's agreement to delete the reference to new source performance standards and instead to insert the previously agreed particulate emission limit of 0.45 lbs/3000 lbs. of BLS. However, there are a number of other concerns which need to be addressed, both in terms of the technical analysis by the staff and in terms of the permit itself.

check with Bill

Not So

COMMENTS ON THE PROPOSED PERMIT

NSPS

We object to the finding in the description of the source that the Number 5 and 6 smelt dissolving tanks are subject to federal new source standards because new smelt dissolving tanks were installed in 1981 (without green liquor recirculation systems). We have submitted to the Department a reconstruction analysis showing that the cost of installing a new tank was less than 50% of the cost of installing a comparable new smelt dissolving tank system. The slight change in the liquor recirculation system had no effect on emissions or operations. Therefore under Rule 17-2.210, F.A.C., or under 40 CFR 60.15 these sources retain their status as existing sources subject only to the process weight table. Nevertheless we have no objection to meeting the stricter limit which we agreed to several months ago. The limit we are willing to accept in the permit is 0.45 lbs/3000 lbs. of BLS. The following comments will respond to the numbered specific conditions in the proposed permit:

OK with Bill

2. We object to the insertion of new source performance standards as the emission limiting standard for the smelt dissolving tanks. Please refer to our comments in the paragraph above.

3. We also object to the NSPS limit required by this condition.

4. We object to the mass emission limit of 0.80 lbs/hr. There is no mass emission limit in Rule 17-2, F.A.C., and thus no authority for it being inserted in the permit.

5. We also object to the insertion of the mass emission limit in this condition for TRS emissions on the same basis expressed in our comments on Condition 4.

7. As we have previously worked out on other permits, we request the deletion in paragraph 7 of the reference to "continuously monitor". We have no objection to the requirement to monitor and record. We would request the deletion of the reference 40 CFR 60 in the last sentence of the paragraph because it is not applicable, as discussed above.

8. We have no objection to this condition if Condition 7 is changed as discussed above.

9. We request the deletion of the word "quarterly".

10. We request the deletion of the reference to 40 CFR 60 because it is inapplicable to an existing source.

11. We request the deletion of the reference to 40 CFR 60.

12. We request that the date for submitting an application for an operating permit be changed from June 11, 1989 to July 7, 1989.

14. We request this paragraph either be deleted or redrafted to reflect staff comments that no ambient or PSD

increment problems are expected to occur as a result of the issuance of this permit. We have submitted appropriate language for this paragraph and would request that be inserted or that this paragraph be eliminated, consistent with the handling of this issue for the Number 6 recovery boiler.

COMMENTS ON TECHNICAL EVALUATION

On page one at the end of the first full paragraph we would request that the Department review the capacity of each source which has an application pending and compare the requested capacity for that source with the capacity in the interim operating permits for those sources. We think the Department will find the statement inaccurate that the plan will result in increased production capacity at the mill, when compared with the interim operating permits.

On page 3, second paragraph, we believe that the ambient PSD increment analysis which was supplied to the Department demonstrates that the Number 5 and 6 smelt dissolving tanks will not cause or contribute to a violation of ambient air quality standards or PSD increments.

On page three, paragraph three, we believe that the reconstruction analysis supplied to the Department demonstrates that the No. 6 smelt dissolving tank replacement, is less than 50% of the cost of constructing a comparable new source and that the analysis was complete in the terms of the first step required by 40 CFR 60.15. It should be noted that additional information was not requested by the Department on that reconstruction analysis.

On page three, paragraph four, since reconstruction does not apply, there has been no rate change, there has been no significant change in the smelt dissolving tanks system, and there has been no increase in emissions, St. Joe asserts that NSPS does not apply.

On page four, first paragraph (not indented), based upon the discussion regarding the previous page we believe the applicable particulate emission limit should be that previously negotiated and agreed to both by the Department and St. Joe, 0.45 lb/3000 lbs. of BLS. The applicable TRS emission is 0.048 lbs/3000 lbs dry black liquor solids as provided in Rule 17-2.600(4)(c)4.a., F.A.C. No mass TRS emission limit is applicable. We will accept TRS mass emission limits in this permit in spite of our strong reservations in order to the expedite the issuance of this permit. However, we do not waive any rights to object to future inappropriate use of mass emission limits unless specific authority is shown.

On page 4, second paragraph, please delete the reference to "continuous" monitoring, except for where continuous TRS monitoring is required. This was discussed at length in the comments on specific condition number 7.

Page 4, third paragraph, because NSPS does not apply, delete the reference to 40 CFR 60.

Page 4, fourth paragraph, the final compliance date of May 12, 1989 is acceptable. Continuous monitoring is not required, nor is there any applicable certification requirement.

On page 6, second paragraph, delete the reference to 40 CFR 60.

On Page 5 under summary of emissions, we would again note that NSPS does not apply and the language should be modified accordingly.

In the Air Quality Analysis section as we discussed in our comments on the permit, there are no unresolved issues of ambient or increment consumption relating to this permit and that should be noted in the staff analysis in this section. We do concur that there is a remaining issue to be resolved as to the slaker.

On page 6, Conclusion, we reserve the right to object to any later changes the Department or EPA might propose in this permit. We believe that we have demonstrated compliance with all applicable requirements of existing source emission limiting standards, ambient standards and in demonstrating that there would be no violation of PSD increments. We have also demonstrated that NSPS rules are not applicable. Accordingly the permit should be issued with existing source limits for all regulated pollutants. We believe that the Department has arrived at that conclusion based on telephone conversations last week. Should you have any questions regarding this or should we need to meet regarding this permit, we will be glad to answer any questions or meet with you on short notice.

Sincerely,

Terry Cole
Terry Cole

TC:slt
819.030

cc: Robert Nedley
Lewis Taylor
John Millican

(Copied: Pradeep Raval, CHF/BT, Ed Middleswart NW Dist) 4/25/88

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RUST | Rust International Corporation

RUST AND QUALITY—A Company and a Commitment

May 31, 1988

Mr. Clair Fancy
Deputy Bureau Chief
Bureau of Air Quality Monitoring
Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400

RECEIVED
JUN 2 1988
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Subject: Rust Contract 21-2982
St. Joe Forest Products
Port St. Joe, FL
TRS Control Project
RECOVERY BOILERS NO.5, 6 & 7
GREEN LIQUOR CIRCULATION HISTORIES

This letter will summarize my investigation and field inspection into the operating histories of the Smelt Dissolving Tanks (SDT's) for the No.s 5, 6 & 7 Recovery Boilers at St Joe Forest Products Company.

As I addressed in my 4/22/88 letter concerning this same subject (copy attached for reference), I think that the DER believes that the presence or absence of a green liquor recirculation system will have a direct impact on the maximum production capacity at which the SDT can be operated.

The 4/22/88 letter and documentation explains that green liquor recirculation can be utilized for two purposes; (1) smelt shattering, and (2) agitation. Some SDT's do not employ green liquor circulation at all, and utilize steam for smelt shattering and turbine agitators for agitation. Other SDT's utilize recirculated green liquor primarily for agitation and secondarily for smelt shattering, with steam as an additional method of smelt shattering. Still others utilize steam as the primary method of smelt shattering with recirculated green liquor as a secondary method, and rely solely upon turbine agitators for SDT agitation.

The green liquor is pumped from the SDT based on density, i.e. the smelt and weak wash remain in the tank, being agitated and mixed by one of the above methods until the correct solids-to-liquid ratio is obtained. This occurs on a continuous basis and the volume of green liquor (dissolved smelt and weak wash) pumped from the SDT is continuously replaced by weak wash entering the tank, based on level control. The production capacity of the SDT is limited by the amount of smelt which enters the SDT from the recovery boiler and is controlled by permit limits.

Meadow Brook Corporate Park, 100 Corporate Parkway • P.O. Box 101 • Birmingham, Alabama 35201-0101
Telephone (205) 995-7878 • Telex 59-6158 • FAX (205) 995-7777

The smelt which enters the SDT from the recovery boiler is in molten form which resembles molten steel. This molten smelt explodes violently when mixed with water and consequently must be broken up, or shattered, into small globules prior to it's entry into the weak wash solution (mostly water) in the SDT; since it has been shown that small, marble-sized spheres of molten smelt do not explode when quenched in water.

The method first used to shatter this smelt was to utilize recirculated green liquor sprayed into the path of the smelt as it pours from the recovery boiler hearth into the SDT. The green liquor solids tended to precipitate out in the piping and would sometimes plug the shattering nozzles, resulting in unsafe conditions with the continuous stream of smelt contacted the water solution in the SDT. Green liquor is also believed to enhance the explosive nature of smelt at a higher solution temperature than water. Consequently steam was then utilized to provide a back-up source of smelt shattering due to the fact that the steam remained in a gaseous state and did not have any liquid water particles to add to the explosive nature of the smelt, and also due to it's non-clogging nature. Many recovery boilers, such as proposed for the No.6 recovery at St. Joe Forest Products Company, utilize only steam shattering of the smelt due to it's improved reliability and safety as compared to green liquor.

It is my opinion that green liquor smelt shattering could result in more airborne emissions than steam shattering due to the fact that a portion of the green liquor which contacts the molten smelt is vaporized thus liberating emissions from the dissolved chemicals in the green liquor solution. I do not know of any literature, refenences or source testing data which directly relate SDT emissions to steam shattering as opposed to green liquor smelt shattering.

No.5 and No.6 RECOVERY BOILERS

No.s 5 and 6 Recovery Boilers were placed into operation in 1952. The original Cummins & Barnard engineering plans indicated that only recirculated green liquor was used for shattering the smelt from these boilers. The plans also indicate that two shatter nozzles were installed in each of the SDT's.

Discussions with the power plant operating personnel who were operating this boiler at the time of initial operation indicate that steam smelt shattering was also installed prior to commencement of service. The present Power Plant Superintendent reports also that steam smelt shattering was in operation in 1955, the year in which he joined the mill organization. It is therefore concluded that both

recirculated green liquor and steam have been used continuously, in combination or separately, to shatter smelt since the time of initial operation.

The green liquor shatter nozzles were relocated in 1970 and two additional nozzles were added. This action was taken to provide a safer method of shattering the smelt by breaking the smelt into smaller globules. The steam shattering nozzles do not appear to have been changed from the original installation.

When No.5 Recovery Boiler was returned to operational status in 1981 the recirculated green liquor nozzles were placed in new locations to improve the smelt shatter. Steam shattering was retained.

The No.5 Recovery presently shatters smelt with a combination of recirculated green liquor and steam in the similar manner in which it was installed in 1952. The recirculated green liquor in this particular SDT system serves only to assist in the shatter of the smelt from the recovery boiler although it may add slightly to the agitation of the SDT. It is my professional opinion that the nozzle changes which were implemented on No.5 Recovery have resulted neither in an increase of emissions nor an increase in production rate.

Looks as though 1981 change to No.5 included new agitator

The No.6 Recovery, as proposed, will utilize only steam for shattering of the smelt from the recovery boiler. The SDT employs the same turbine agitator as is presently installed on the No.5 Recovery. Since this SDT system will not employ recirculated green liquor, any contribution to the agitation experienced on the No.5 Recovery SDT will be lost on the No.6 Recovery SDT. As stated previously, the ultimate capacity of the SDT system is limited by the amount of smelt available from the recovery boiler hearth. In my professional opinion, the change in smelt shattering method will not result in either an increase of emissions or an increase in production rate of the No.6 Recovery SDT system.

Note: New agitator for No.6 but not No.5. See 4/21/88 Rust memo

The addition of a SDT vent scrubber system as described in the permit application will result in a marked decrease of actual emissions from these sources. Because of this, we have accepted a lower proposed allowable emission limit than the applicable process weight table would allow.

No.7 RECOVERY BOILER

The No.7 Recovery Boiler SDT's utilize recirculated green liquor primarily for agitation and secondarily for smelt shattering, with steam as an additional method of smelt shattering. The SDT system recirculates a large amount of green liquor and directs a small portion of this recirculated

flow to the smelt shattering nozzles. A field inspection and discussion with operations personnel reveals that the green liquor nozzles remain plugged during the majority of the time, thus resulting in steam shattering as the primary source of smelt shattering medium. Power Plant personnel responsible for the operation and maintenance of this unit report that no modifications or changes have been made to the No.7 Recovery SDT system.

The addition of a SDT vent scrubber system as described in the permit application will result in a marked decrease of actual emissions from this source. Because of this, we have accepted a lower proposed allowable emission limit than the applicable process weight table would allow.

This information is intended to resolve all remaining questions concerning the subject smelt dissolving tank systems. In order to attest to the validity of the information included herein, I have affixed my professional engineering seal.

We would appreciate your expediting the process to issue the permits for these smelt dissolving tank systems. If there are any remaining questions we will be happy to meet with you to discuss them.

Very truly yours,

RUST INTERNATIONAL

Victor L. Hutcheson, PE
Project Manager

attachment

cc: w/attachment
L. Taylor
T. Cole
J. Millican
M. Troup

Copied: Pradeep Raval
Mike Harlay
CHF|BT
Ed Middlewart, NW Dist } 6.6.88 (MT)

RUST | Rust International Corporation

RUST AND QUALITY—A Company and a Commitment

22.0

April 22, 1988

Mr. Fead Etheridge
St. Joe Forest Product Co.
Port St. Joe, FL 32456

Subject: Rust Contract 21-2982
St. Joe Forest Products Co.
Port St. Joe, FL
TRS Control Project
DISSOLVING TANK OPERATION

Attached is a memo from Billy Davis, our Energy Systems Staff Engineer concerning the operations in and around the smelt dissolving tank for a recovery boiler.

The DER has indicated in past conversations and also in permit drafts that they believe that the removal of a green liquor circulation system would result in a capacity increase of the dissolving tank and/or the recovery boiler itself. Correspondence received from EPA through the DER also indicates these assumptions based on reports from the DER.

The No. 7 Recovery permit draft, specific Condition #14, states:

> "The permittee shall neither remove nor discontinue the use of the green liquor recirculation system on either or both of the No. 7 smelt dissolving tanks. The permittee shall not alter the recirculation rate of either or both of the green liquor recirculation systems in such a way as to increase the operation rate of either or both the No. 7 smelt dissolving tanks above that allowed by this permit."

These conceptions and assumptions are simply incorrect, and if written into your permit, can limit the flexibility of operating the recovery boiler in a continuous and safe manner.

I believe that I have explained this to the DER in earlier meetings but perhaps the explanation was not fully understood.

Meadow Brook Corporate Park, 100 Corporate Parkway • P.O. Box 101 • Birmingham, Alabama 35201-0101
Telephone (205) 995-7878 • Telex 59-6158 • FAX (205) 995-7777

I trust that this letter will assist in your discussions with the DER. Once the DER fully understands the processes involved, they should be encouraged to ensure that the EPA does not have any misconceptions regarding this subject.

Please call me if you have any questions.

Very truly yours,

RUST INTERNATIONAL CORPORATION

V. L. Hutcheson
Project Manager

attachment

cc: w/attachment
Lewis Taylor
Rusty Grund
Mike Troup
Billy Davis
Virendra Vora
File - distnkop.doc

RUST

Interoffice Correspondence

Date April 21, 1988

To Vic Hutcheson, Project Manager

From Billy Davis, Staff Engineer BCD

Subject Rust Contract 21-2982
St. Joe Forest Products
Port St. Joe, Florida
TRS Controls Project
No. 6 Recovery Boiler Conversion
Dissolving Tank Operation

This memo is in response to your inquiry regarding a "capacity increase" from the dissolving tank by elimination of green liquor recirculation. If it was possible to increase capacity by increasing pumpout, every mill would simply put double size pumps on the system. Unfortunately, one can only pump out the chemicals at the rate they are recovered from the black liquor combustion in the recovery furnace. This is controlled by pumping from the tank at a constant density (ie constant chemical concentration) and adding weak wash back to the tank by level control.

Green liquor recirculation has historically been used for two purposes. The primary purpose has been to shatter the smelt stream entering the dissolving tank from the recovery furnace. The secondary purpose has been to assist in mixing the smelt and weak wash into uniform green liquor.

Recent design trends have been to eliminate green liquor reciculation. Increase steam jet shattering is used to replace smelt breakup by recirculated green liquor. The contribution to mixing by recirculation is replaced by an increase in agitation. This increased agitation is often done without much horsepower penalty due to the evolution of more efficient agitator blade designs.

There is very little information in print about this basic operation and even less regarding any pros and cons of green liquor recirculation. An article by Thomas Grace of the Institute of Paper Chemistry was published by TAPPI Press in a collection titled "Chemical Recovery in the Alkaline Pulping Process." Pages 134 and 135 of this publication gives a general description of smelt removal including green liquor recirculation. A copy of this is attached for reference.

I could find no published information that specifically addresses operation of the dissolving tank without recirculation. As previously stated this is a fairly recent change and has simply evolved in some mills and new boiler designs without much fanfare.

In summary, operation of the dissolving tank with or without green liquor recirculation is exactly the same from a process standpoint. The breakup and mixing of the chemical smelt into the weak wash is accomplished by either method. This was discussed with the engineering department of Combustion Engineering, Canada. CE concurred with the above analysis stating either method of smelt mixing is acceptable and will have no effect on performance or operating guarantees.

I hope this information will be sufficient to resolve your questions. If you need further information, please advise.

EXCERPT FROM: CHEMICAL RECOVERY IN THE ALKALINE PULPING PROCESSES, TAPPI PRESS, 1985

primary air (low primary and high primary). Low primary air is introduced through ports about 1 meter above the floor, whereas the high primary air is introduced through ports about 0.67 meter above the low primary ports.

Babcock and Wilcox units have three levels of air admission. The primary ports admit air through the furnace walls near the bottom of the char bed. Secondary air is admitted through a series of ports at a fixed elevation below the liquor guns and about 3 meters above the spouts. Tertiary air is supplied above the liquor guns and is directed across the furnace from ports in all four walls.

Details of air distributions and injection conditions for these units are discussed later in the operations section.

There are other recovery boiler designs in which the air distribution system is different from either of the above. One design uses four levels of air supply: low primary, high primary, low secondary, and high secondary (or tertiary). The high primary is injected at higher velocities and is intended to facilitate air penetration to the center of the furnace without disrupting the char bed and increasing entrainment. Air penetration to the center of the furnace becomes an increasingly greater problem as the size of units increases, and higher windowbox pressures are needed.

Several different types of air heaters have been used. These include steam air heaters, flue gas air heaters (tubular or regenerative), and direct fired air heaters. The most common system is a steam coil air heater. There are advantages to a steam air heater on recovery units which produce high pressure, high temperature steam for use in turbogenerators. If steam is supplied to the air heater at 125-150 psig (1-1.15 MPa) from one of the extraction points on the turbine, the cycle is thermally closed except for minor radiation losses. In effect, the steam flow to the turbine throttle is increased by an amount equal to the steam consumption of the air heater. Flue gas air heaters were discussed earlier. Direct fired air heaters are simple devices where fossil fuel burners are fired and the hot combustion products mixed with the air to increase the air temperature.

Smelt removal The inorganic salts formed by combustion of black liquor accumulate on the hearth, melt, and flow by gravity out through water-cooled spouts to the dissolving tank. Two floor constructions and smelt removal techniques are used. In units with a slanted hearth, the spout openings are essentially flush with the low point of the hearth. Smelt drains by gravity to the front side of the furnace and out the spouts. Other units have a flat bottom construction, and spouts are located on one or more sides of the unit about 1 ft above the floor. A pool of molten smelt atop a layer of frozen smelt adjacent to the floor tubes accumulates on the hearth and overflows out the spouts.

The spout is basically a water-cooled trough. Adequate flow of suitably treated cooling water is required to prevent overheating the spout metal. The spout cooling system is not pressurized so as to minimize the risk of cooling water entering the furnace in the event of a spout failure.

The smelt flows out the spouts into a dissolving tank. A schematic diagram of a dissolving tank system is provided in Fig. 4.17. It is necessary to break up the stream of smelt before it hits the surface of the green liquor in the dissolving tank in order to prevent dissolving tank explosions. Steam shatter jets directed downward on the smelt stream are used to break up the stream. Recirculated green liquor is also directed into the smelt stream through a large fishtail nozzle located in front of and well below the spout. The green liquor in the dissolving tank is continuously agitated, usually by a motor driven propeller. It is essential to prevent the accumulation of solid material in the bottom of the dissolving tank and to avoid precipitated material from crusting over the top surface of the tank.

Steam and gases formed in the smelt dissolution operation are removed through a vent pipe and discharged to the atmosphere. A scrubber is usually installed in the vent stack to remove entrained mist and chemicals.

The aqueous input to the dissolving tank is normally weak wash from the causticizing area. Green liquor, at the desired concentration, is removed continuously from the dissolving tank. Automatic controls are normally installed to maintain the desired green liquor density and dissolving tank level by regulating the rates of green liquor outflow and weak wash inflow.

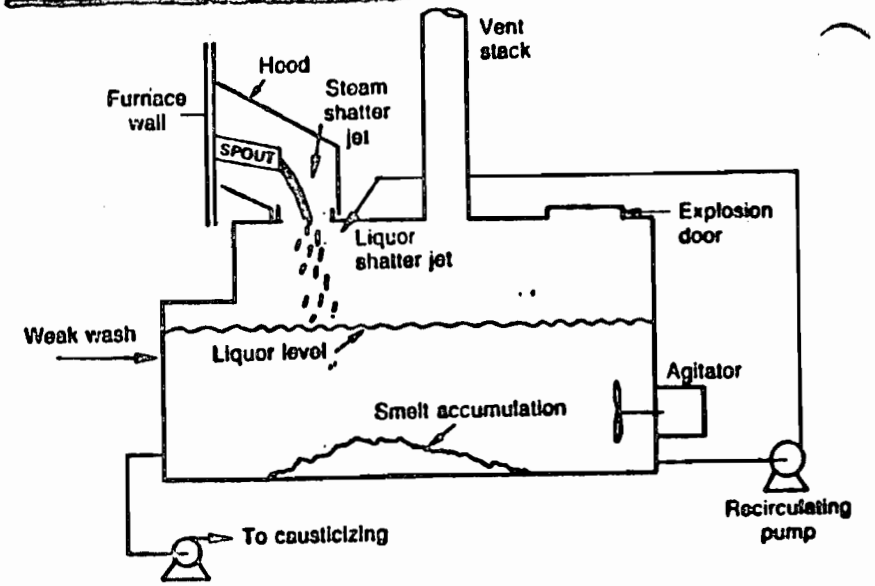

Fig. 4.17. Dissolving tank system.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IV
345 COURTLAND STREET
ATLANTA, GEORGIA 30365

4APT-APB

MAY 20 1988

RECEIVED
MAY 24 1988
DER - BAQM

Mr. Steve Smallwood, P.E., Chief
Bureau of Air Quality Management
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Dear Mr. Smallwood:

The purpose of this letter is to clarify and amend the guidance to the state and local agencies concerning the authority delegated for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP). Since the radionuclide NESHAP regulations are rather unique, specific guidance on 40 CFR Part 61 Subparts B, H, I, and K will be provided at the time the subparts are delegated.

Certain authorities may not be delegated to the states. These are listed below:

Authorities Which May Not Be Delegated to States Under Section 111

1. 40 CFR 60.8(b)(2), 60.8(b)(3) and 60.8(b)(4). In order to ensure uniformity and technical quality in the test methods used for enforcement of national standards, the Agency will retain the authority to approve alternative and equivalent methods which effectively replace a reference method and to waiver source tests. This restriction on delegation does not apply to 60.8(b)(1), which allows for approval of minor modifications to reference methods on a case-by-case basis. This authority allows, for example, a field engineer to approve deviations from methods that are necessary because of site-specific problems or circumstances. Requests for approval should be submitted to the EPA Regional Office. A technical review will be performed and any approved methods or changes in methods will be proposed and subsequently promulgated in the Federal Register. At such time, the alternative or equivalent methods become a part of 40 CFR Part 60 and are available for general use.

Some subparts include general references to the authority in 60.8(b) to approve alternative or equivalent standards. Examples include, but are not necessarily limited to, paragraphs 60.11(b), 60.274(d), 60.396(a)(1), 60.396(a)(2), and 60.393(c)(1)(i). These references are reminders of the provisions of paragraph 60.8 and are not separate authorities which can be delegated.

2. General Provisions 60.11(e). The granting of an alternative opacity standard requires a site-specific opacity limit to be adopted under 40 CFR Part 60. The Administrator may not delegate the authority for rulemaking.

3. 40 CFR 60.13(d)(2). Alternative procedures for continuous-monitoring systems measuring opacity of emissions may only be approved by the Administrator. The agency will retain authority for 40 CFR 60.13(d)(2).

4. 40 CFR 60.13(i)(1),(2),(6)-(9). The Administrator may approve alternatives to any monitoring procedures or requirements; therefore, the Agency will retain authority for the parts mentioned above.

5. Subpart S, 60.195(b). Development of alternative compliance testing schedules for primary aluminum plants is done by adopting site-specific amendments to Subpart S. This authority must be retained by the Administrator.

6. Subpart Da, 60.45a. Commercial demonstration permits allow an alternative emission standard for a limited number of utility steam generators. Delegation to the states is expressly prohibited in the subpart.

7. Subpart Db, 60.49b(c). The approval of an alternative nitrogen oxides monitoring plan identifying process operating parameters is the authority of the Administrator. This may not be delegated to the states.

8. Subpart GG, 60.332(a)(3) and 60.335(a)(1)(ii) and (a)(2)(ii). These sections pertain to approval of customized factors (fuel nitrogen content and ambient air conditions, respectively) for use by gas turbine manufacturers in assembly-line compliance testing. Since each approval potentially could affect emissions from equipment installed in a number of states, EPA has provided guidance by which states can approve customized factors; otherwise states must seek the approval of EPA.

9. Equivalency Determinations, Section 111(h)(3) of the Clean Air Act. Approval of alternatives to any design, equipment, work practice, or operational standard (e.g., 60.114(a) and 60.302(d)(3)) is accomplished through the rulemaking process and is adopted as a change in the individual subpart. This authority may not be delegated to the states.

10. Innovative Technology Waivers, Section 111(j) of the Clean Air Act. Innovative technology waivers must be adopted as site-specific amendments to the individual subpart. The authority to grant waivers may not be delegated. Any applications or questions pertaining to such waivers should be sent to the EPA Regional Office. States may be delegated the authority to enforce waiver provisions if the state has been delegated the authority to enforce NSPS.

11. Applicability Determinations. The majority of applicability determinations are expected to be routine in that there would be an established precedent to follow. Your delegation is conditioned to ensure that all interpretations of 40 CFR Part 60 (including Section 60.5) are consistent with those made by the EPA in the past. A compendium of all historical decisions has been distributed to each state or local agency that has been delegated NSPS authority along with an explanation that these decisions represent NSPS policy. The compendium has not been updated recently, but we expect an update to be prepared in the near future. Any situations not clearly governed by precedent should be referred to the EPA Regional Office.

12. Subpart VV, 60.482-1(c)(2) and 60.484. These sections deal with the equivalency determination for any means of emission limitation that achieves a reduction in emissions of VOC at least equivalent to the reduction in emissions of VOC achieved by the controls required in this subpart.

13. Subpart WW, 60.496(a)(1) and 60.493(b)(2)(i)(A). These sections pertain to alternative or equivalent methods and procedures for the determination of VOC compliance. As stated in the rule, the Administrator must approve the method for determining the fraction of VOC emitted at the coater and flashoff areas captured by the collection system.

14. Subpart GGG, 60.592(c). This section states that the Administrator will review any applications for a determination of equivalency for any means of emission limitation that achieves a reduction in emissions of VOC at least equivalent to the reduction in emissions of VOC achieved by the controls required in this subpart.

15. Subpart JJJ, 60.623. The Administrator may approve any request for the use of equivalent equipment or procedures that have been demonstrated to his satisfaction in terms of reducing VOC emissions to the atmosphere to ensure compliance as specified in this subpart.

Authorities Which May Not Be Delegated To States Under Section 112.

1. 40 CFR 61.04(b). This paragraph states that the Administrator is directed to delegate to each state when appropriate the authority to implement and enforce NESHAP for stationary sources in the state.

2. 40 CFR 61.12(d)(1). Approval of alternative means for equivalent emission reductions will be done by the Administrator and published in the Federal Register.

3. 40 CFR 61.13(h)(1)(ii). This is a provision for use of an alternate reference method for which requests must be submitted to the Administrator.

4. 40 CFR 61.06. The majority of applicability determinations are expected to follow established precedents. Delegations should be conditioned to ensure that all interpretations of 40 CFR Part 61 are consistent with those made by the EPA in the past. A compendium of all historical decisions has been distributed to each state or local agency that has been delegated NESHAP authority along with an explanation that these decisions represent NESHAP policy. Although the compendium has not been updated recently, an update is expected in the near future. Any situations not clearly governed by precedent should be referred to the EPA Regional Office for decision.

5. 40 CFR 61.16. This paragraph is simply a statement about EPA's procedure for handling of Freedom of Information Act requests and confidential business information. Section 4.7, page 8, of the Good Practices Manual for Delegation of NSPS and NESHAP, February 1983, explains the options that are available to the states for handling this question.

6. 40 CFR 61.14. In order to ensure uniformity and technical quality in monitoring methods, the Agency will retain the authority to approve alternative and equivalent methods. Requests for approval should be submitted to the Regional Office. A technical review will be performed and any approved methods or changes to methods will be proposed and subsequently promulgated in the Federal Register. At such time, the alternative or equivalent methods become a part of 40 CFR Part 61, and are available for general use. This restriction on delegation does not apply to case-by-case approval of minor modifications in sampling procedures or equipment that affect a single source.

7. Subpart E, 61.53(c)(4). The list of approved design, maintenance, and housekeeping practices affects the meaning and intent of the standards. To ensure uniform application, the list is available only from EPA.

8. Subpart O, 61.172(b)(2)(ii)(B) and 61.172(b)(2)(ii)(C). These paragraphs list specific operating parameters and conditions for the secondary hood system that will result in maximum capture of organic arsenic emissions which should be provided to the Administrator.

9. Equivalency Determinations, Section 112(e)(3) of the Clean Air Act. Approval of an alternative means of emission limitation to any design, equipment, work practice, or operational standard is accomplished through the rulemaking process and is adopted as a change to the individual subpart. This authority may not be delegated to the states.

Certain sections in Part 61 refer to potential alternative standards or procedures for evaluating proposed alternatives. These sections merely reiterate the point that alternative means of emission limitations can be considered and are not authorities that may be delegated. Examples include 61.66, 61.112(c), 61.151(c)(2), 61.152(b)(3), 61.153(c), 61.154(b)(2), 61.156(d), 61.242-1(c)(2), 61.244, 61.164(a)(2), 61.164(a)(3).

Under §113(b), EPA has not delegated the authority to enforce an NSPS or NESHAP in federal court, but the State has the authority to enforce an NSPS or NESHAP under state law in state courts.

If you have any questions about this letter, please do not hesitate to write me or call Rosalyn Hughes at (404) 347-2864. Any questions on applicability or approval of alternative methods should be addressed to Chief, Air Compliance Branch.

Sincerely yours,

Bruce P. Miller

Bruce P. Miller, Chief
Air Programs Branch
Air, Pesticides, and Toxics
Management Division

Crenshaw

PN 111(e)-86-09-11-00

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

11 SEP 1986

MEMORANDUM

SUBJECT: Delegation of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) Authority to State/Local Agencies

FROM: Jack R. Farmer, Director
Emission Standards and Engineering Division (MD-13)

TO: David P. Howekamp, Director
Air Management Division, Region IX

This guidance is in response to your memorandum requesting direction on which of the Administrator's discretionary authorities under 40 CFR Parts 60 and 61 can be delegated to State and local agencies (hereafter referred to as "States"). As you pointed out, we issued delegation guidance on NSPS on Feburary 24, 1983 and on NESHAP on December 17, 1984 (both memos attached). The subparts about which you asked are those that have been promulgated since those two previous memoranda. In addition, we are including guidance on the revised Part 61 General Provisions that were published on November 7, 1985, and on five standards that have been promulgated since we received your request (three arsenic NESHAP and revisions to kraft pulp mill NSPS and asphalt concrete NSPS).

We are unable to provide guidance on NESHAP Subparts B, H, I, and K, since we do not have responsibility for radionuclides and radon-222. Please direct any questions to Sheldon Meyers, Director, Office of Radiation Programs (ANR-458c), U.S. Environmental Protection Agency, 401 M Street, N.W., Washington, D.C. 20460.

The authorities that may not be delegated to the States are listed below. All other authorities may be delegated. The criteria for determining which of the authorities can be delegated to States has not changed since our previous guidance and so are not reiterated here. If you have any questions about this guidance, please refer to the attached memos or contact John Crenshaw, FTS 629-5571.

NSPS Subpart	Authorities Which May Not be Delegated to States
VV -- SOCMI Equipment Leaks	60.482-1(c)(2) 60.484
WW -- Beverage Can Coating	60.496(a)(1) 60.493(b)(2)(i)(A)
GGG -- Petroleum Refinery Equipment Leaks	60.592(c)
JJJ -- Petroleum Dry Cleaning	60.623

No restrictions in delegation of the following NSPS subparts:

I	(revised 1/24/86)
N	(revised 1/2/86)
Na	
AAa	
BB	(revised 5/20/86)
LL	
RR	
XX	
FFF	
HHH	
LLL	
OOO	
PPP	

NESHAP Subpart	Authorities Which May Not be Delegated to States
A -- General Provisions	61.04(b) 61.12(d)(1) 61.13(h)(1)(ii)
J -- Benzene Equipment Leaks	61.112(c)
N -- Arsenic, Glass Manufacturing	61.164(a)(2) 61.164(a)(3)
O -- Arsenic, Low Arsenic Feedstock Copper Smelters	61.172(b)(2)(ii)(B) 61.172(b)(2)(ii)(C) 61.174(a)(2) 61.174(a)(3)
P -- Arsenic, High Arsenic Feedstock Copper Smelters	No restrictions
V -- Equipment Leaks	61.242-1(c)(2) 61.244

Your suggestion to provide delegation guidance along with each final rule is a good one. In the future, we will add a paragraph entitled "Delegation of Authority" to each NSPS and NESHAP regulation. That paragraph will indicate any authorities that may not be delegated to States or local agencies.

If I can be of further assistance, please do not hestitate to contact me.

2 Attachments

cc: Director, Air and Waste Management Division, Regions I-VIII,X
Rich Biondi, SSCD (EN-341)
Ron Campbell, OAQPS (MD-10)
Gerald Emison, OAQPS (MD-10)
Ed Reich, SSCD (EN-341)
Fred Renner, OAQPS (MD-10)
Charlie Carter, OGC (LE-132A)
Earl Salo, OGC (LE-132A)
B.J. Steigerwald, OAQPS (MD-10)
Darryl Tyler, OAQPS/CPDD (MD-15)
George Walsh, OAQPS/ESED (MD-13)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

February 24, 1983

MEMORANDUM

SUBJECT: Delegation of New Source Performance Standards Authority to States

FROM: Jack R. Farmer, Acting Director
Emission Standards and Engineering Division (MD-13)

TO: Allyn M. Davis, Director
Air and Waste Management Division, Region VI

Your November 23, 1982, memorandum to Mr. Don R. Goodwin (copy attached) requested guidance on which of the Administrator's discretionary authorities under 40 CFR Part 60 can be delegated to the States. You identified 57 specific paragraphs which contain provisions that require the Administrator's approval. We have developed guidance on the authorities you identified plus several other authorities not specifically mentioned in your request.

Our guidance permits delegation to a State of all the Administrator's authorities under Part 60 except for any which require rulemaking in the Federal Register to implement or where Federal overview is the only way to ensure national consistency in the application of standards. The division of State/EPA authority should be based on the principle of respecting the technical judgment of the State with EPA's role being primarily one of monitoring and evaluating overall program performance and providing assistance when necessary. Implementation decisions generally should be made by the State, while the Agency should make only those decisions that have the potential to alter the meaning of the standard or result in divergent application in different areas.

The authorities that should not be delegated to the States are listed below. All other authorities may be delegated. Of course, the decision of whether or not to delegate authority under any particular section rests with the Regional Office based on an assessment of the State's intentions and its legal and programmatic capability to implement the program. This guidance establishes those sections which from a legal and policy perspective are able to be delegated.

The decision-making authority that this guidance allows to be delegated to the States pertains to minor modifications to testing and monitoring methods. These authorizations appear in the regulations where the potential for advancements in test procedures, equipment, reagents, or analytical procedures was anticipated. The regulations, consequently, were structured to allow changes in sampling and measurement technology to be incorporated in an efficient and reasonable manner. The decision to make a minor change can generally be made by competent testing and laboratory personnel. Approval by an enforcement agency is needed to confirm that the change is minor in nature and provide a mechanism to prevent inexperienced testing and laboratory personnel from inadvertently making major changes to the method. Subsequent approval by the Administrator is not needed, because the minor changes do not affect the precision or accuracy of the method and, therefore, are not of national significance. The delegation, however, should require adequate documentation of any changes to testing or monitoring methods so that periodic auditing by EPA can confirm that this discretionary authority is not being abused.

Authorities Which May Not Be Delegated to States Under Section 111

1. Paragraph 60.8(b)(2) and 60.8(b)(3). In order to ensure uniformity d technical quality in the test methods used for enforcement of national .andards, the Agency will retain the authority to approve alternative and equivalent methods which effectively replace a reference method. This restriction on delegation does not apply to 60.8(b)(1), which allows for approval of minor modifications to reference methods on a case-by-case basis. This authority allows, for example, a field engineer to approve deviations to methods that are necessary because of site-specific problems or circumstances. Requests for approval should be submitted to the Director, Emission Standards and Engineering Division. A technical review will be performed and any approved methods or changes to methods will be proposed and subsequently promulgated in the Federal Register. At such time, the alternative or equivalent methods become a part of 40 CFR Part 60 and are available for general use.

Some subparts include general references to the authority in 60.8(b) to approve alternative or equivalent standards. Examples include, but are not necessarily limited to, paragraphs 60.11(b), 60.274(d), 60.396(a)(1), 60.396(a)(2), and 393(c)(1)(i). These references are reminders of the provisions of paragraph 60.8 and are not separate authorities which can be delegated.

2. General Provisions 60.11(e). The granting of an alternative opacity standard requires a site-specfic opacity limit to be adopted under 40 CFR Part 60. The Administrator may not delegate the authority for lemaking.

3. Subpart S, 60.195(b). Development of alternative compliance testing schedules for primary aluminum plants is done by adopting site-specific amendments to Subpart S. This authority must be retained by the Administrator.

4. Subpart Da, 60.45a. Commercial demonstration permits allow an alternative emission standard for a limited number of utility steam generators. Delegation to the States is expressly prohibited in the subpart.

5. Subpart GG, 60.332(a)(3) and 60.335(a)(ii). These sections pertain to approval of customized factors (fuel nitrogen content and ambient air conditions, respectively) for use by gas turbine manufacturers in assembly-line compliance testing. Since each approval potentially could affect emissions from equipment installed in a number of States, the decision-making must be maintained at the Federal level to ensure national consistency. Notices of approval must be published in the Federal Register.

6. Equivalency Determinations, Section 111(h)(3) of Clean Air Act. Approval of alternatives to any design, equipment, work practice, or operational standard [e.g., 60.114(a) and 60.302(d)(3)] is accomplished through the rulemaking process and is adopted as a change to the individual subpart. This authority may not be delegated to the States.

7. Innnovative Technology Waivers, Section 111(j) of the Clean Air Act. Innovative technology waivers must be adoptec as site-specific amendments to the individual subpart. The authority to grant waivers may not be delegated. Any applications or questions pertaining to such waivers should be sent to the Director, Emission Standards and Engineering Division. [Note that responsibility for 111(j) has been transferred from the Stationary Source Compliance Division (SSCD) to the Emission Standards and Engineering Division (ESED).] States may be delegated the authority to enforce waiver provisions if the State has been delegated the authority to enforce NSPS.

8. Applicability Determinations. The majority of applicability determinations are expected to be routine in that there would be an established precedent to follow. Delegations should be conditioned to ensure that all interpretations of 40 CFR Part 60 (including Section 60.5) are consistent with those made by the EPA in the past. A compendium of all historical decisions is prepared by SSCD and distributed to the Regional Offices annually with updates made quarterly. These summaries should be sent routinely to each State or local agency that has been

delegated NSPS authority along with an explanation that these decisions represent NSPS policy. Any situations not clearly governed by precedent should be referred to the Regional Office for decision. As in the past, requests for applicability decisions should be forwarded to the Director, Stationary Source Compliance Division.

Attachment

cc: Air Waste and Management Division Directors,
Regions I-V and VII-X
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S. Meyers (ANR-443)
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

DEC 17 1984

MEMORANDUM

SUBJECT: Delegation of NESHAP Authority to State/Local Agencies

FROM: Jack R. Farmer, Director
Emission Standards and Engineering Division (MD-13)

TO: David P. Howekamp, Director
Air Management Division, Region IX

This is in response to your memorandum requesting guidance on which of the Administrator's discretionary authorities under 40 CFR Part 61 can be delegated to State and local agencies (hereafter referred to as "States"). You identified 121 specific paragraphs which contain provisions that require the Administrator's approval.

Our guidance permits delegation to a State of all the Administrator's authorities under Part 61, except for any which require rulemaking in the Federal Register to implement, or where Federal overview is the only way to ensure national consistency in the application of standards. The division of State/EPA authority should be based on the principle of respecting the technical judgment of the State with EPA's role being primarily one of monitoring and evaluating overall program performance and providing assistance when necessary. Implementation decisions generally should be made by the State, while the Agency should make only those decisions that have the potential to alter the meaning of the standard or result in divergent application in different areas.

This guidance permits the delegation of discretionary authority in the Asbestos standard pertaining to substitutions for certain control requirements [61.153(a)(4), 61.153(b)(3), 61.154(b)(1), 61.156(b)(3), 61.156(c)(2)]. These authorities were included in the regulation where the need for flexibility in determining control requirements was anticipated, recognizing that these decisions are most efficiently and reasonably made by the implementing agency. These decisions may be made outside the authority of Section 112(e) and do not necessarily require notice and opportunity for public comment. Approval by the Administrator is not required because the decisions are not of national significance. The delegation, however, should require adequate documentation of any decisions made under these paragraphs so that periodic auditing by EPA can confirm these discretionary authorities are not being abused.

The guidance also permits delegation of authority to approve minor modifications to testing and monitoring methods. Minor modifications pertain to contingencies that arise in the field and to authorizations that appear in the regulations where the potential for advancements in test procedures, equipment, reagents, or analytical procedures was anticipated. The regulations, consequently, were structured to allow changes in sampling and measurement technology to be incorporated in an efficient and reasonable manner. The decision to make a minor change can generally be made by competent testing and laboratory personnel. Approval by an enforcement agency is needed to confirm that the change is minor in nature and provide a mechanism to prevent inexperienced testing and laboratory personnel from inadvertently making major changes to the method. Subsequent approval by the Administrator is not needed, because the minor changes do not affect the precision or accuracy of the method and, therefore, are not of national significance. The delegation, however, should require adequate documentation of any changes to testing or monitoring methods so that periodic auditing by EPA can confirm that this discretionary authority is not being abused.

Part 61 stipulates that if reasonable grounds exist to dispute the results obtained by an equivalent or alternative source test method, the use of the reference method may be required, and the results of the reference method prevail [61.67(g), 61.70(c), 61.14(c)]. This authority may be delegated since the implementing agency is in the best position to make judgments about the reasonableness of test results obtained by alternative methods on a specific source. However, as specified in the guidance below, the approval or withdrawal of an equivalent or alternative test method is done by rulemaking and cannot be delegated.

Paragraphs 61.11 and 61.13, which deal with waivers for compliance dates and compliance testing, can be delegated if the State's enforcement and implementation procedures are adequate. Granting of waivers should be in writing and the States should provide copies of each written waiver to the Regional Office. Review of waivers should be part of the annual audit process.

Paragraphs 61.08(e)(2), 61.11(e), and 61.13(c) are basically statements clarifying the Administrator's authority and the relationship of certain provisions. States may want these same statements in their laws, but it should be made clear that we are not relinquishing our enforcement responsibilities through the delegation process. In the final analysis, the Administrator retains concurrent responsibility for the enforcement of the Act and any subsequent regulation developed under the Act.

The authorities that may not be delegated to the State are listed below. All other authorities may be delegated. Of course, the decision of whether or not to delegate authority under any particular section rests with the Regional Office based on an assessment of the State's intentions and its

legal and programmatic capability to implement the program. This guidance establishes those sections which from a legal and policy perspective are able to be delegated.

Authorities Which May Not Be Delegated To States Under Section 112

1. Paragraph 61.06. The majority of applicability determinations are expected to follow established precedents. Delegations should be conditioned to ensure that all interpretations of 40 CFR Part 61 are consistent with those made by the EPA in the past. A compendium of all historical decisions has been prepared by SSCD and distributed to the Regional Offices. These summaries should be sent to each State or local agency that has been delegated NESHAP authority along with an explanation that these decisions represent NESHAP policy. Any situations not clearly governed by precedent should be referred to the Regional Office for decision.

2. Paragraph 61.15. This paragraph is simply a statement about EPA's procedure for handling of Freedom of Information Act requests and confidential business information. Section 4.7, page 8, of the Good Practices Manual for Delegation of NSPS and NESHAP, February 1983, explains the options that are available to the Regions and the States for handling this question.

3. Paragraph 61.14. In order to ensure uniformity and technical quality in the test methods used for enforcement of national standards, the Agency will retain the authority to approve alternative and equivalent methods. Requests for approval should be submitted to the Director, Emission Standards and Engineering Division. A technical review will be performed and any approved methods or changes to methods will be proposed and subsequently promulgated in the Federal Register. At such time, the alternative or equivalent methods become a part of 40 CFR Part 61 and are available for general use. This restriction on delegation does not apply to case-by-case approval of minor modifications to sampling procedures or equipment that affect a single source.

4. Paragraph 61.53(c)(4). The list of approved design, maintenance, and housekeeping practices affect the meaning and intent of the standard. To ensure uniform application, the list is available only from EPA.

5. Equivalency Determinations, Section 112(e)(3) of the Clean Air Act. Approval of an alternative means of emission limitation to any design, equipment, work practice, or operational standard is accomplished through the rulemaking process and is adopted as a change to the individual subpart. This authority may not be delegated to the States. Certain paragraphs in Parts 61 refer to potential alternative standards or procedures for evaluating proposed alternatives. These paragraphs merely reiterate the point that alternative means of emission limitations can be considered, and are not authorities that may be delegated. Examples of such paragraphs include 61.66, 61.112(c), 61.151(c)(2), 61.152(b)(3), 61.153(c), 61.154(b)(2), 61.156(d), 61.242-1(c)(2), 61.244.

On June 6, 1984, revisions were proposed to the General Provisions of Part 61 (49 FR 23498). The proposed revisions included some section number changes, and some sections were expanded. If you have questions or need additional guidance, please contact John Crenshaw (629-5571 FTS).

cc: Director, Air and Waste Management Division, Regions I-VIII, X
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