



west virginia department of environmental protection

Division of Air Quality
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Joe Manchin III, Governor
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August 4, 2006

Ms. Judith M. Katz
Director
Air Protection Division
U.S. Environmental Protection Agency Region III
1650 Arch Street
Mail Code: 3AP00
Philadelphia, PA 19103-2029

Dear Ms. Katz:

The West Virginia Division of Air Quality (DAQ) is requesting an official applicability determination for the Industrial, Commercial, and Institutional Boilers and Process Heaters MACT, 40 CFR part 63 Subpart DDDDD, also known as the Boiler MACT. Specifically, the DAQ requests an applicability determination for Appendix A of the Boiler MACT for the Health Based Compliance Alternative (HBCA), in particular, the hydrochloric acid (HCl) alternative. The DAQ is concerned about the lack of guidance provided in the rule for the HBCA demonstrations and any resulting inconsistencies of national implementation. The DAQ has several affected facilities that operate in many states and therefore would like to maintain regional and national consistency. Some facilities are proposing to demonstrate eligibility with the HBCA by conducting stack testing to determine the ratio of HCl and chlorine. Also, these sources do not have HCl controls.

The following questions have arisen for facilities in the process of preparing their HBCA Eligibility Demonstrations:

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?
2. What parameters are companies required to monitor to demonstrate continuing compliance with the 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 these parameters required to be monitored?

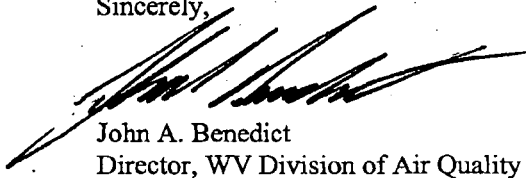
3. Are companies required to set a maximum upper limit (based upon the worse-case testing) of chlorine content of fuel and operating parameters (i.e. steam rate, etc) or can companies extrapolate these parameters above the worse-case testing, as long as they do not exceed the risk determination? In other words, can companies use a combination of fuel feed rate (based upon 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? Also, 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 a Title V permit.

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?

Finally, the DAQ's preliminary interpretation is that a complete HBCA must be submitted by September 13, 2006. If a source does not have emission unit specific test data or incomplete test data for each affected source at worst-case conditions the DAQ may grant more time to correct deficiencies.

The WV DAQ greatly appreciates your help in this matter. Because of the approaching deadline for the HBCA demonstrations and the extensive testing that could be required for our sources, the DAQ request a timely response. If you have any questions concerning this request for an applicability determination, please contact Robert Keatley or Renu Chakrabarty at (304) 926-0475.

Sincerely,



John A. Benedict
Director, WV Division of Air Quality

cc: David Guinnup, Group Leader, Sector-Based Assessment Group, US EPA (C539-02)
Gregory Fried, Office of Enforcement and Compliance Assurance, US EPA (2223A)
Ray Chalmers, US EPA Region III (3AP11)
James Eddinger, US EPA (D243-01)