

NOTICE: You may be subject to a new federal rule affecting boilers at industrial, commercial, and institutional facilities that are non-major for HAPs (*boilers only firing gaseous fuels are exempt*)



Area Source Boiler NESHAP

40 CFR 63, Subpart JJJJJJ, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources

Based on March 21, 2011 Rule (currently under reconsideration)

Who is subject? If you own or operate an industrial, commercial, or institutional boiler located at an area source of hazardous air pollutants (HAPs), you *may* be subject to this new rule. An area source is one in which total, facilitywide air emissions, including fugitives, based on the maximum potential to emit are *below* 10 tons/year of a single HAP and *below* 25 tons/year of combined HAPs.

Are there any exemptions? Boilers that only burn gaseous fuel not combined with any solid fuels, or that only burn liquid fuel during periods of gas curtailment, gas supply emergencies, or periodic testing (not to exceed 48-hr in a calendar year) are exempt. Other exemptions can be found on EPA's "Initial Notification of Applicability" form. If you are located at a major source of HAPs, you are not subject to this rule.

Why am I getting this mailing? Initial Notifications for facilities to report affected sources subject to 40CFR63, Subpart JJJJJJ, are **due by September 17, 2011**, to both WVDEP-DAQ and to U. S. EPA Region III.

Mail Initial Notifications to:

- Diana Esher, Director, Air Protection Division, 1650 Arch Street, Mail Code 3AP00, Philadelphia, PA 19103, *and*
- John A. Benedict, Director, Division of Air Quality, WV Department of Environmental Protection, 601 57th Street, SE, Charleston, WV 25304

To download Initial Notification forms & other reference materials: Go to the WVDEP's Division of Air Quality website, and in the *Air Toxics* section find the *Area Source Boiler NESHAP* page: www.dep.wv.gov/daq, or go to EPA's website at www.epa.gov/ttn/atw/boiler/boilerpg.html

Is my source new or existing? A **new source** means you commenced construction or reconstruction of the boiler after June 4, 2010, and you meet the applicability criteria at that time. An **existing source** means you commenced construction or reconstruction of the boiler on or before June 4, 2010.

When must a new source comply? A new source must demonstrate compliance with all requirements of the rule upon startup of the boiler, or by May 20, 2011, whichever is later.

When must an existing source comply? Existing sources subject to a *tune-up work practice or management practice standard* must demonstrate compliance no later than March 21, 2012. Existing sources subject to an *emission limit* must demonstrate compliance no later than March 21, 2014. Existing sources subject to the *energy assessment* requirement must complete the energy assessment no later than March 21, 2014.

Fuel switching after June 4, 2010, constitutes a change significant enough to trigger the boiler as a new source. See §63.11194(d), 63.11196(d), 63.11225(f), & 63.11225(g) for details.



If you still have questions: contact Renu Chakrabarty, Air Toxics Coordinator, Division of Air Quality, West Virginia Department of Environmental Protection at (304) 926-0499, ext. 1246 or Renu.M.Chakrabarty@wv.gov

west virginia department of environmental protection