

**Air Toxics Updates – 40 CFR Part 63
June 2009- July 2010**

Final Rules & Amendments

- **VVVVVV (6V)** – Chemical Mfg. - area sources
 - Finalized 10/29/09
 - 1 source has notified; 9 have submitted negative declarations
 - EPA will propose amendments and clarifications of applicability summer 2010.
 - ★ Compliance date for existing sources = 10/29/12
 - More info on Notebook
<http://www.deq.state.ne.us/AirToxic.nsf/pages/VVVVVV>.

- **AAAAAAA (7A)** – Asphalt Processing & Roofing – area sources
 - Final 12/2/09. Corrections 3/8/10 & 6/3/10. No known sources in NE.
 - More info on Notebook
<http://www.deq.state.ne.us/AirToxic.nsf/pages/AAAAAAA>.

- **BBBBBBB (7B)** – Chemical Preparation – area sources
 - Final 12/30/09. No known sources in NE.
 - More info on Notebook
<http://www.deq.state.ne.us/AirToxic.nsf/pages/BBBBBBB>.

- **CCCCCCC (7C)** – Paint & Allied Products – area sources
 - Final 12/30/09. Correction 3/5/10. One known source in NE in LLCHD jurisdiction.
 - More info on Notebook
<http://www.deq.state.ne.us/AirToxic.nsf/pages/CCCCCCC>.

- **DDDDDDD (7D)** – Prepared Feeds Mfg. – area sources
 - Final 1/5/10. 20 sources have submitted initial notification to NDEQ.
 - Prepared feeds (not cat and dog feed) utilizing material containing chromium or manganese
 - All sources
 - Housekeeping to minimize emissions by dusting, vacuuming, and/or sweeping areas frequently.

- Doors kept shut while handling and processing.
- All raw materials containing chromium and manganese stored in closed containers.
- All materials containing those compounds must be covered when mixing.
- Feeds loaded into trucks or railcars
 - Install device at the loadout end to reduce distance between loading arm and truck or railcar.
- Sources with average daily feed production > 50 tons per day
 - Install and operate a cyclone on pelleting and pellet cooling operations.
- ★ Compliance date for existing sources = 1/5/12
- More info on Notebook
<http://www.deq.state.ne.us/AirToxic.nsf/pages/DDDDDDD>.

- **ZZZZ (4Z)** – Engines
 - Final amendments – 3/3/10
 - Includes existing compression ignition engines. Spark ignition rules will be finalized August 2010
 - ★ Initial Notification due 8/31/10
 - ★ Compliance date for existing sources = 5/3/13
 - Engine presentation covering NESHAP, NSPS, & permitting
 - More info on Notebook
<http://www.deq.state.ne.us/AirToxic.nsf/pages/ZZZZ>.

Proposed Rules

- **JJJJJJ (6J)** – Boilers – area sources
 - Proposed 6/4/10 – comments due 8/3/10 – final rule due 12/16/10
 - Coal, oil, and biomass fired units (natural gas exempt)
 - All new units and existing ≥ 10 MMBtu/hr subject to numerical standards
 - New units
 - Coal = PM (surrogate for metal HAPs), Hg, CO (surrogate for organic HAPs)
 - Biomass = PM & CO
 - Oil = PM & CO
 - Existing ≥ 10 MMBtu/hr
 - Coal = Hg & CO
 - Biomass = CO
 - Oil = CO

- Existing units < 10 MMBtu/hr = biennial tune-up program
 - Existing \geq 10 MMBtu/hr = one time energy assessment
 - Compliance
 - Annual stack tests for emission limits
 - Can stack test every 3 years if demonstrate \leq 75% of emission limit for 3 years
 - Requires stack test data to be submitted electronically to EPA on WebFIRE
 - Fuel analyses for Hg (if not testing) = monthly
 - \geq 100 MMBtu/Hr = CO CEMS
 - If using control device – monitor tested parameters
 - If PM or Hg limit and not using wet scrubber – continuous opacity monitor
 - Or, if use fabric filter – can use bag leak detection system instead of COMS
 - Title V Permits
 - If a major source installed control equipment device on a boiler that resulted in becoming an area source after 11/15/90; Title V permit required
 - All other area sources; exempt from Title V
 - Annual reports
 - All sources need to prepare compliance report by March 1 annually
 - Only need to submit report if not in compliance or had deviations
 - More info on Notebook
<http://www.deq.state.ne.us/AirToxic.nsf/pages/JJJJJJ>.
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- **DDDDD (5D)** – Boilers & Process Heaters – major sources
 - Proposed 6/4/10 – comments due 8/3/10 – final rule due 12/16/10
 - All units \geq 10 MMBtu/hr subject to numerical standards (except Gas 1 & metal furnace)
 - PM, HCl, Hg, CO, Dioxin/furans
 - Existing < 10 MMBtu/hr - Biennial tune-up
 - New Gas 1 & metal furnace units & existing Gas 1 and metal furnaces \geq 10 MMBtu/hr - Annual tune-up
 - All existing boilers - one time energy assessment
 - Compliance
 - Annual stack tests for emission limits
 - Develop testing plan, but only submit if requested

- Can stack test every 3 years if demonstrate \leq 75% of emission limit for 3 years
 - Not an option for dioxin/furan limits or those using emissions averaging
 - Requires stack test data to be submitted electronically to EPA on WebFIRE
- Fuel analyses for Hg & HCl (if not testing) = monthly
 - Plan – submit to EPA for review and approval 60 days prior to compliance demonstration
- \geq 100 MMBtu/hr CO CEMs for ALL units
- $<$ 250 MMBtu/Hr burning coal, biomass, or residual oil = opacity monitor or fabric filter – leak detection system instead of COMS
- \geq 250 MMBtu/Hr burning coal, biomass, or residual oil = PM CEMS
- If using control device – monitor tested parameters
- If demonstrating compliance through stack testing
 - Continuous monitoring system – develop plan and submit for approval, upon request, to permitting authority – 60 days prior to testing
- Reports
 - Semiannual compliance
 - Immediate startup, shutdown, malfunction
 - If didn't follow SSM plan AND
 - Exceeded emission limitation
- More info on Notebook
<http://www.deq.state.ne.us/AirToxic.nsf/pages/DDDDD>.

Proposed Amendments

- **112(j) Case-by-Case MACT**
 - 3/30/10 – Proposed amendments to address vacated rules and the application of MACT Hammer
 - Amendments will be finalized by 12/31/10
 - We should not have to develop case-by-case standards for current vacated rules, but will have at least one source (Endicott Clay) submit 112(j) Title V Application
 - Timing for Vacated Rule Finalization
 - Boiler NESHAP – 12/16/10
 - Polyvinyl Chloride & Copolymers – 7/29/11
 - Brick and Clay & Clay Ceramics – 3/1/12
 - More information on Air Toxics Notebook (Notebook)
<http://www.deq.state.ne.us/AirToxic.nsf/pages/B>.
- **LLL – Portland Cement –**
 - 5/6/09 - add/revise limits for mercury, hydrocarbons, & HCl

- **BBBBBB (6B) & CCCCCC (6C) – Gas Distribution and Dispensing**
 - 12/15/09 – clarifications and applicability definitions
 - Guidance after amendments finalized
 - ★ Compliance date = 1/10/11

Other

- **Startup, Shutdown, Malfunctions (SSM) – Subpart A**
 - 12/19/08 Court Decision (8/26/09 federal register notice) – Vacate SSM provisions in Subpart A
 - Can't exempt compliance with emission standards during SSM events
 - Implications
 - Compliance problems for some MACT standards. Exemptions within standards weren't vacated. SSM Plans don't provide legal exemption from standards during SSM events. If an SSM results in a violation of an emission limit, EPA would be able to take enforcement action, even if Plan was followed.
 - EPA is revising rules one-by-one and all new rules or amendments include provisions for SSM events.
 - More info on Notebook
<http://www.deq.state.ne.us/AirToxic.nsf/pages/A>.

- **Power Plants**
 - Clean Air Mercury Rule vacated 2/8/08.
 - EPA Information Collection Request – 7/2/09 & 11/10/09
 - EPA required to propose NESHAP by 3/16/11 and finalize by 11/16/11 (Proposed Consent Decree in Federal Register 10/29/09).
 - More info at: <http://www.epa.gov/ttn/atw/utility/utilitypg.html>.

- **Defense Land Systems**
 - EPA working with Dept. of Defense on rule for military installations – not sure of finalization date.

- **Residual Risk**
 - Still assessing risk of many rules promulgated in mid-90's
 - 10/20/08 – T – Halogenated Solvent Degreasers - proposed amendments to final 2007 risk rules – no action

- Consent decree proposed
 - 6 source categories - propose by 9/14/10, with final due in March or June 2011. These categories include Pharmaceuticals Production, Printing and Publishing, Chromium Electroplating and Chromium Anodizing
 - Second group - propose by 10/29/10.
 - Additional standards due periodically - the last source category in the decree – Portland Cement – required by 6/15/18.

2010 - 2013 Compliance Dates

- ★ 7/1/10 – Subpart WWWWWW (6W) – Plating & Polishing
 - ★ 1/9/11 – Subpart HHHHHH (6H) – Paint Stripping & Misc. Surface Coating
 - ★ 1/10/11 – Subparts BBBBBB (6B) & CCCCCC (6C) – Gasoline Distribution & Dispensing
 - ★ 6/27/11 – Subpart ZZZZZZ (6Z) - Aluminum, Copper, & Non-ferrous Foundries
 - ★ 7/25/11 – Subpart XXXXXX (6X) - Metal Fabrication
 - ★ 1/5/12 – Subpart DDDDDDD (7D) - Prepared Feeds
 - ★ 10/29/12 – Subpart VVVVVV (6V) – Chemical Manufacturing
 - ★ 5/3/13 – Subpart ZZZZ (4Z) – Internal Combustion Engines
- **Be sure to check out changes to Air Toxics Notebook and Internal Resources!**