

From: Melby Jr, John H - DNR
Sent: Monday, February 01, 2010 11:36 AM
To: Melby Jr, John H - DNR
Cc: Palionis, Thomas E - DNR; Wilusz, Edward J.; Manley, Scott; DNR DL AW Lead; Bangert, Suzanne A - DNR; Burkholder, Martin J - DNR; DNR DL AM Team AMT
Subject: Boiler MACT Hammer Application Update / Extension

This message is intended as an update to my previous messages (most recently 8/14/2009) regarding the vacated EPA Boiler MACT, and related MACT Hammer applications. Previously, EPA was under court order to complete a proposed rule by July 15, 2009. Based in part on the court schedule, some sources requested, and DNR granted extensions of the Part 2 application deadline to September 24, 2009. Similarly, DNR requested that sources that submitted incomplete Part 2 applications submit additional information by September 24, 2009.

On June 30, 2009, the court order was amended, changing the EPA proposal deadline to September 15, 2009. We understand that additional time was provided for EPA to negotiate a new rule completion schedule. EPA gathered available emissions data for affected sources, and to fill data gaps, EPA sent section 114 letters requiring stack emission testing at selected facilities. The test results were due to EPA by October 15, 2009. We expected it would take several months for EPA to review the test results and apply that information to drafting a proposed rule. Unfortunately, a proposed rule still hasn't been published.

As before, uncertainties remain surrounding the 112(j) MACT Hammer process. EPA still has not provided any guidance on implementation of this process. It is not known what types of process heaters will be included in the source category, what fuels may be defined as waste and regulated under the CISWI (commercial, industrial, and solid waste incinerator) rule rather than the boiler MACT, and what boiler MACT emission standards will be proposed. As before, these uncertainties may affect the information that sources include in their Part 2 applications.

You should know that based on the continuing uncertainties, we will consider requests to further extend the deadline for submittal of Part 2 applications as provided under 40 CFR 63.1(a)(12) and 63.9(i) and ch NR 460.08(9(a)-(c), Wis. Adm. Code. The requests must be in writing (either hard copy or e-mail is adequate) and we will accept a new extension deadline date of September 15, 2010 for the submittal of the Part 2 application. Sources that have already submitted Part 2 applications, may also request an extension to the September 15, 2010 Part 2 submittal date. Such requests should be received by DNR by March 1, 2010, to allow adequate time for review and processing.

If you wish to request an extension of the Part 2 submittal deadline, wish to withdraw or modify your Part 2 application, or if you have questions on these matters, please contact Tom Palionis by March 1, 2010.

Tom Palionis
608/264-8876
thomas.palionis@Wisconsin.gov

Sincerely,

John H. Melby, Jr. – Director
Bureau of Air Management
Wisconsin Department of Natural Resources
101 S. Webster Street
P.O. Box 7921
Madison, WI 53707-7921
E-mail john.melbyjr@wisconsin.gov
608-264-8884 (telephone)