



North Carolina Department of Environment and Natural Resources
Division of Air Quality

Beverly Eaves Perdue
Governor

B. Keith Overcash, P.E.
Director

Dee Freeman
Secretary

DATE

ADDRESSEE

TITLE

COMPANY

ADDRESS

CITY, NC #####

SUBJECT: Request for Part 1 MACT “Hammer” Applications for Affected Boilers & Process Heaters

Dear **ADDRESSEE:**

On July 20, 2007, the D.C. Circuit Court vacated the National Emission Standard for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers and Process Heaters, which had been promulgated under 40 CFR 63, Subpart DDDDD. The North Carolina Attorney General’s office has determined that the NESHAP vacatur equates to the failure of the U.S. EPA to promulgate a valid standard as required under Section 112(d) of the Clean Air Act (CAA). As a result, the site-specific Maximum Achievable Control Technology (MACT) standards required under CAA §112(j), commonly referred to as the MACT “hammer” provisions, have been triggered. North Carolina regulations implementing the MACT hammer are found at 15A NCAC 2D .1109.

Your facility may be affected by the MACT “hammer” requirements if both of the following criteria are met:

- Your facility has a facility-wide potential to emit 10 tons per year (tpy) or more of any individual hazardous air pollutant (HAP) or 25 tpy or more of total, combined HAP; and,
- Your facility includes a boiler or process heater.
 - A “boiler” is an enclosed device using controlled flame combustion and having the primary purpose of recovering thermal energy in the form of steam or hot water. Waste heat boilers are excluded from this definition.
 - A “process heater” is an enclosed device using controlled flame combustion that is not a boiler and that has the primary purpose of transferring heat indirectly to a process material (liquid, gas, or solid) or to a heat transfer material for use in a process unit.

Commercial, Industrial, and Solid Waste Incinerators (CISWIs) are neither “boilers” nor “process heaters” and are not affected by these requirements.

If you are not an affected source as described above, no further action is required.

Permitting Section

1641 Mail Service Center, Raleigh, North Carolina 27699-1641
2728 Capital Blvd., Raleigh, North Carolina 27604
Phone: 919-715-6235 / FAX 919-733-5317 / Internet: www.ncair.org

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If your facility is an affected source, you must submit a Part 1 MACT “Hammer” Application, postmarked no later than Wednesday, July 15, 2009. The Part 1 application is a simple submittal intended to notify the North Carolina Division of Air Quality (NC DAQ) that your facility is an affected source. If you have already submitted a Part 1 application for all affected sources at your facility, the prior submittal is sufficient to fulfill these requirements. All Part 1 applications shall include the following information:

- The name and address of the facility;
- A brief description of the facility (identification of the Source Identification Code would be sufficient);
- Identification of the affected sources, including firing capacity and fuel types; and,
- Identification of any affected sources that have been through a “Case-By-Case MACT” determination as provided in CAA § 112(g).

No permit application fee is required. All Part 1 applications should be submitted to:

Donald R. van der Vaart, Ph.D., P.E.
1641 Mail Service Center
Raleigh, North Carolina 27699-1641

In addition, if your facility is an affected source, you must submit a Part 2 MACT “Hammer” Application, postmarked no later than Friday, September 11, 2009. The Part 2 application is a more substantial submittal that must include sufficient information for the NC DAQ to establish site-specific standards for each affected source at your facility. To assist affected facilities with the Part 2 application submittals, the NC DAQ will make available on its website (www.ncair.org) a model § 112(j) standard Part 2 application. The model standard application will include proposed MACT emissions limitations that the NC DAQ has developed based on currently available emissions information. Proposed testing, monitoring, and reporting requirements will also be included.

You may either base your Part 2 applications on the NC DAQ’s model standard application or prepare and submit a facility-specific “case-by-case” MACT that is consistent with the § 112(j) requirements. The NC DAQ model standard application will be made available on the website no later than August 1, 2009 along with further instructions on the Part 2 application requirements. Should you have any questions concerning this matter, please contact Ms. Fern Paterson, P.E. at (919) 715-6242.

Sincerely yours,

Donald R. van der Vaart, Ph.D., P.E.
Chief

Enclosure

cc: ENTER Regional Office
Central Files