



**Division of Air Quality**  
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## West Virginia Department of Environmental Protection


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Bob Wise  
Governor

Michael O. Callaghan  
Secretary

March 26, 2002

KEYBOARD(contact name)  
KEYBOARD(title)  
KEYBOARD(company name)  
KEYBOARD(street address)  
KEYBOARD(city, state, zip code)

RE:  Part 1 Title V Permitting Requirements for 112(j) MACT Sources Due May 15, 2002  
Plant ID No. KEYBOARD(ID #) KEYBOARD(company name)

Dear KEYBOARD(salutation):

This second letter regarding the 112(j) MACT hammer and its potential implications to your facility follows recent US EPA rulemaking. Your facility **may** have an upcoming Title V permitting obligation to submit a Part 1 Title V permit application for a case-by-case Maximum Achievable Control Technology (MACT) requirement pursuant to 112(j) of the 1990 Clean Air Act Amendments (CAAA). Under current federal requirements, this Part 1 Title V permit application update or application for a significant permit modification must be submitted by May 15, 2002.

### ***Requirements for the Part 1 Title V 112(j) Permit Application***

US EPA has issued final rule amendments that effect the provisions of 40 CFR 63 Subpart B which establishes requirements and procedures for owners or operators of major sources of Hazardous Air Pollutants (HAPs) and permitting authorities to comply with the 112(j) MACT Hammer.

The requirements for the Part 1 application can be found at 40 CFR 63.53(a). For your convenience, a checklist of these items has been included below. These requirements are quite minimal and in effect constitute a notification rather than a substantive application. To ensure your Part 1 Title V 112(j) permit application is properly routed, please prominently designate such with your submittal.

- The name and address (physical location) of the major source.
- A brief description of the major source and an identification of the relevant source category.
- An identification of the types of emission points belonging to the relevant source category.
- An identification of any affected sources for which a section 112(g) MACT determination has been made.
- The application must bear the signature of a responsible official with certification as required by 45CSR30.4.4 including a statement that "based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

### ***Requirements After the Part 1 Title V 112(j) Permit Applications Are Submitted***

Part 2 applications are due 24 months after the Part 1 applications, May 15, 2004. US EPA should have all of the outstanding MACT standards promulgated by the time Part 2 applications are due. Thus, "existing sources" subject to the MACT hammer could effectively avoid the case-by-case

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determination called for by the Part 2 application. However, any new or reconstructed source, or "new affected source" located at a major source that is subject to a MACT standard that has not yet been promulgated is required to go through a *preconstruction* permit review (such as a 112(g) case-by-case review) before the unit may be constructed.

### **Criteria for Determining 112(j) Applicability**

As previously noted, facilities that are "major sources" **and** that have any sources located on-site that are subject to one of the MACT source categories that will not be promulgated by May 15, 2002, must submit 112(j) applications through the Title V permitting process. A "major source" in the context of 112(j) requirements for air toxics refers to a facility that emits or has the potential to emit in the aggregate (and including fugitive emissions) 10 ton/year or more of any HAPs, or 25 ton/yr or more of any combination of HAPs.

A list of source categories subject to MACT standards which US EPA will *not* have promulgated before the May 15, 2002 hammer date was included with the agency's January 2, 2002 letter to you regarding this issue. US EPA made MACT source category revisions that were published in the February 12, 2002 Federal Register (67 FR 6521-6536). The most current listing of proposed (but not yet final), as well as upcoming, federal MACT standards can be obtained from US EPA's Air Toxics Website. From [www.epa.gov/ttn/atw](http://www.epa.gov/ttn/atw), go to the "Rules and Implementation" link, and follow either the "Table of Proposed Regulations" or "Table of Upcoming Regulations" links. Additionally, all sources who will be subject to Phase II of the Hazardous Waste Combustor MACT are required to submit a Part 1 Title V permit application for the 112(j) MACT hammer. Phase II sources include hazardous waste burning boilers and HCl production furnaces.

Recently, a MACT Rules Status Table has been posted at this website. This table lists which MACT standards are expected to be proposed by May 15th, which proposed MACT standards are expected to be promulgated after May 15th, and which MACT standards are expected to be proposed and promulgated after May 15th. The *applicability criteria* sections of the MACT standards are also posted. The web site is [http://www.epa.gov/ttn/atw/112j/info/112\(j\)-table2.html](http://www.epa.gov/ttn/atw/112j/info/112(j)-table2.html).

The Division of Air Quality (DAQ) plans to work with all 112(j) sources to ensure that the requirements of 40 CFR 63 Subpart B are implemented in the most efficient and consistent manner possible. If you believe that your facility will be affected by the Title V/112(j) case-by-case MACT process, or if you have any questions, please contact Renu Chakrabarty at (304) 926-3647 as soon as possible.

Sincerely,



Stephanie R. Timmermeyer  
Director

SRT:RMC

cc: Terry L. Polen, P.E., Q.E.P., Assistant Chief for Permitting  
Lisa McClung, Title V Program Manager