

Mr. Joseph Kahn  
Director  
Division of Air Resources Management  
Florida Department of Environmental Protection  
Mail Station 5500  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Dear Mr. Kahn:

We have received a request from Mr. Christopher Kirts dated November 9, 2009, for assistance concerning the application of New Source Performance Standards (NSPS) requirements for Power Boiler No. 6 at the Rayonier Performance Fibers, LLC, Fernandina Beach Mill. The boiler is currently subject to NSPS Subpart D – “Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction Is Commenced After August 17, 1971.” The State is evaluating whether a proposal by Rayonier to fire wastewater treatment sludge as a fuel will cause the boiler to become subject to NSPS Subpart Db – “Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.” The State’s questions concerning the Rayonier proposal relate to the NSPS modification provisions in 40 Code of Federal Regulations (CFR) Section 60.14. The State’s questions and our response are provided below.

The State indicates that Power Boiler No. 6 was originally purchased as a traveling grate boiler that fired coal and bark and was subject to NSPS Subpart D. The boiler was converted to a bubbling fluidized bed boiler and continued to be subject to Subpart D. The boiler currently fires a number of fuels including biomass, tires, No. 2 fuel oil, No. 6 fuel oil, and spent sulfite liquor. Rayonier proposes to begin firing sludge from the paper mill’s wastewater treatment system and indicates there will be no physical changes to accommodate the fuel. The State indicates that Rayonier has conducted a trial burn using the wastewater treatment sludge as fuel and determined there will be an increase in NO<sub>x</sub> emissions.

The State requests a determination as to whether the exemption in Section 60.14(e)(4) is allowable for Power Boiler No. 6, even though the emission rate of NO<sub>x</sub> will increase. Section 60.14(e)(4) exempts from the modification provisions:

Use of an alternative fuel or raw material if, prior to the date any standard under this part becomes applicable to that source type, as provided by Section 60.1, the existing facility was designed to accommodate that alternative use. A facility shall be considered to be designed to accommodate an alternative fuel or raw material if that use could be accomplished under the facility’s construction specifications as amended prior to the change.

The preamble of proposed amendments to the NSPS general provisions (39 Federal Register 36948; October 15, 1974) states, "As proposed, Section 60.14(e) sets forth operational or physical changes which will not be considered modifications even though the emission rate may increase." In addition, Section 60.14(a) indicates that any physical or operational change to an existing facility resulting in an increase in the emission rate of any pollutant to which a standard applies is a modification, except as provided in paragraph (e) and (f) of that section. Thus, an increase in the emission rate of NO<sub>x</sub> does not prevent the exemption in Section 60.14(e)(4) from being allowable for Power Boiler No. 6.

The State also requests assistance in interpreting the reference in Section 60.14(e)(4) to the "facility's construction specifications." As indicated above, Power Boiler No. 6 was purchased by Rayonier as a traveling grate boiler and was later converted to a bubbling fluidized bed boiler. The exemption in Section 60.14(e)(4) relates to the construction specifications prior to the date a standard becomes applicable to a source category. Since the applicability date for Subpart Db is June 18, 1984, Section 60.14(e)(4) relates to the construction specifications for Power Boiler No. 6 prior to that date. Thus, the State needs to evaluate the construction specifications of Power Boiler No. 6 prior to June 18, 1984.

If there are any questions regarding this determination, please contact Keith Goff of the Region 4 staff at (404) 562-9137.

Sincerely,

Kenneth R. Lapierre  
Acting Director  
Air, Pesticides, and Toxics  
Management Division

cc: Mr. Christopher Kirts, FDEP

Ms. Rita Felton-Smith, FDEP