

National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial and Institutional Boilers; Proposed Rule

Comments from the Kentucky Division of Air Quality (Division)

I. Definition/Unit Clarification

- A. A process heater is not defined or mentioned in Subpart JJJJJJ. Subpart JJJJJJ requires that area sources obtain Title V permits. It appears process heaters at an area source are not subject to Subpart JJJJJJ. These process heaters should have to meet the same requirements as boilers at area sources.
- B. 40 CFR 63 Subpart DDDDD excludes hot water heaters as applicable to Subpart DDDDD, but this exclusion and the definition for hot water heaters do not appear in Subpart JJJJJJ for area sources.
- C. The definitions for “boiler” in the proposed major source rule and area source rule are different. For consistency, EPA needs to clarify the two definitions.
- D. At a time when there is considerable encouragement to convert to renewable energy, it should be noted that the majority of biomass-only boilers are smaller than others. The most publicized uses of biomass may involve electricity generation, but more effective uses of biomass may prove to be in areas such as the U.S. Forest Service's "Fuels for Schools" program, which will involve many boilers rated at 10 MMBtu/hr or smaller. The financial burden of annual or near-annual repeat testing could easily be enough to prevent transitions away from coal or oil to cleaner fuels. While it is good to require testing and tune-ups of units that have probably never been tested before, the long-term frequency of these measures required in the proposed JJJJJJ needs to be reduced in order to be practical.

II. Testing/Compliance

- A. Method 30b is not listed as an option for mercury compliance testing in table 5 of subpart DDDDD of Part 63. Method 30b is currently in use for mercury compliance testing over Method 29.
- B. 40 CFR 63.11214(e), requires annual stack testing for CO, for boilers between 10 MMBtu/hr and 100 MMBtu/hr. 40 CFR 63.11222 (b), requires a tune-up to be performed biennially, meaning once every 2 years. Part of the tune-up includes measuring the concentration in the effluent stream of CO in parts per million, by volume, dry basis (ppmvd), before and after adjustments to the boiler are made [40 CFR 63.11222(b)(5)]. It appears that the CO testing done before and after the tune-up is the same testing performed during the annual stack test. The processing and verification of these submittals will represent a significant increase in the workload of state's environmental agencies. In order to eliminate this redundancy we suggest that either the annual stack testing not be required for the year of the tune-up, or that testing not be required before and after the tune-up.
- C. 40 CFR 63.11215(a), requires work practice standards for units less than 10 MMBtu/hr. We suggest that a lower limit of 1.0 MMBtu/hr be included as a cut-off for the requirements of 40 CFR 63.11215(a).
- D. There will be a significant increase in fuel sample analysis. This would place a huge burden on state agencies to analyze the fuel for compliance.

III. Burden to State and Local Agencies

- A. There will be a substantial increase in the number of compliance tests and CEMS certification tests. We currently have 4 positions available for reviewing test protocols, observing the tests and reviewing test reports. The Division's workload is going to increase and current budget constraints simply mean that the agency will not be able to witness all tests.
- B. New or existing boilers are required to conduct initial and annual performance tests as well as CEMS compliance testing. The increase in compliance tests will impact the state financially. The state currently spends approximately 3 business days per compliance test observation, per source. The work load includes reviewing compliance test protocols, observing the test, and reviewing the final test report. EPA estimates there are currently 183,000 area source boilers and the potential for 6,800 new sources in the next 3 years.
- C. The required ASTM methods listed in the tables 4 and 5 to Subpart JJJJJ of Part 63 are not available free of charge. In order for state, local, or tribal agencies to observe and review testing methods following the ASTM methodology, the agencies would be required to purchase copies of the testing methods. A free resource library such as the online EMC website would be beneficial to financially strapped agencies seeking the method information.
- D. This proposed area source rule will have a major impact on the regulated community and the Division through added regulatory burden to sources that have otherwise avoided direct regulation under the CAA. The number of sources that will require ongoing compliance monitoring in the form of inspections and testing oversight will increase significantly if this proposed rule is promulgated in its current form.
- E. Many of the coal, biomass, and (primary) oil fired units located at these area sources may also be regulated by the 40 CFR 60 Subparts Db and Dc of the NSPS, however this proposed rule adds a significant additional testing and management practice requirements to units over 10 MMBtu/hr input ratings. This will be a huge additional burden on the Division since compliance with the emission limits is largely based in this testing and will require inspector involvement, supervisory oversight, and management coordination of the review and compliance determination of these new requirements.
- F. The additional work practice standards and management practice standards include, at a minimum, a biennial tune-up requirement for every non-gas fired boiler. Combined with annual CO testing of all non-gas boilers over 10 MMBtu, the impact on the Division resource will be devastating. Tracking, inspection, and oversight of these requirements alone would require additional full time staff in every field office in the state.
- G. Since many of these units will be at facilities that do not have a permit from the Division there will be an additional burden of educating these sources. These sources typically require a larger amount of time to explain the requirements and to provide basic compliance assistance to achieve compliance with the rule.
- H. The Division recommends that the annual CO testing requirement be reduced to biennial or even less frequent as a way of reducing the burden on both the Division and regulated sources.
- I. The Division recommends if a source is subject to this rule but in the future no longer operates the presently regulated boiler/process heater, then the rule would no longer apply and the source could opt of the rule.

