

## ACC – OMB Boiler Discussion Key Items

June 19, 2012

### BOILER MAJOR SOURCE RULE

ACC is very appreciative and strongly supports the following provisions that were contained in the December 23, 2011 reconsideration proposal, and urges EPA to finalize these requirements:

1. The establishment of work practices for dioxins and furans, which is similar to EPA's approach in the MATS rule (*see comments package 1, page 2*);
2. Work practices for gas 1 fired units (*see comments package 1, pages 11-13*);
3. Work practices for periods of startup and shutdown (*see comments package 1, pages 51 – 54*);
4. The use of 30-day rolling average periods to demonstrate compliance with emission limits (*see comments package 1, pages 21-22*); and,
5. The addition of a "limited use" definition (*see comments package 1, pages 14-16*).

### ISSUES

1. EPA should not set Hg and HCl standards using the combined emission data of coal fired units and biomass fired units. These units are inherently different and should be completely separated into 2 subcategories with emissions standards established based solely on the emissions data from the respective subcategory. (*see comments package 1, pages 5-8*)
  - Combination units that can burn at least 10% coal cannot be grouped with units burning only coal as their emission profiles are totally different.
  - There are fundamental differences in emissions of Hg, HCl, and PM from coal and biomass units, as EPA concluded in the final MATS. In the MATS, EPA concluded that different mercury standards were appropriate for high-rank and low-rank coals.
  - Under the Clean Air Act, EPA may categorize and subcategorize units based on size, class and type so that similar units are compared.
  - If EPA continues to combine coal and biomass-fired units, it must use a fuel variability factor (FVF) that accounts for the differences in the fuel utilized by various solid-fired units. The FVF must be representative of the range of variability of emissions data.

2. EPA should not set a numerical limit for CO for coal-fired boilers. ACC has concerns that the proposed CO numerical limit is unachievable. EPA should set a work practice standard for CO for coal-fired boilers, as was done in the final MATS rule. (*see comments package 1, pages 25-35*)
  - CO varies significantly with load and fuel quality, and even units EPA used to set the MACT floor for CO cannot comply year-round.
  - In the 2005 Hazardous Waste Combustor MACT, EPA concluded that 100 ppmv was the appropriate limit for minimizing organic HAP emissions.
  - Industry has heard from vendors that they cannot guarantee that their control equipment will be able to meet the numerical CO limits.
  - EPA commissioned a pilot-scale study\* in 2011 to determine the expected emission profiles and relationship of non-dioxin organic HAP and CO for coal-fired units. The results from this study were used to justify EPA's establishing work practice standards for coal-fired boilers in the final MATS rule. This study is as applicable to ICI boilers as it is to utility boilers, and hence, EPA should finalize a work practice standard for CO emissions. (\* "Surrogacy Testing in the Multi-Pollutant Research Control Facility," March 30, 2011.)
  
3. ACC strongly urges EPA to grant facilities as much time as possible to comply with these final standards. EPA should mirror the final MATS rule in granting 3 years to comply from the date of this final rule, with the possibility of an additional year for compliance. (*see comments package 1, pages 55-58*)
  - ACC is aware of facilities subject to the Boiler MACT rule having difficulties securing the technical consultants needed to design control systems in order to comply with the final rule. Many such contractors are already committed to EGUs. The overlapping compliance timelines for the boiler rules and MATS will create a huge demand for technical expertise.
  
4. EPA should not require the use of PM CEMS/CPMS, since such technology has not been tested on and deployed by industrial-sized boilers. (*see comments package 1, pages 18-19*)
  - EPA has not demonstrated that PS-11 is effective on PM CPMS units for industrial-sized boilers.

5. EPA needs to clarify its definition of “period of natural gas curtailment or supply interruption.” Specifically, EPA needs to remove the word “halted” from the definition in order to prevent interference with existing contractual obligations. (*see comments package 1, pages 67-68; comments package 2, pages 3-4*)
  - The current definition can be read to severely penalize facilities that contract for interruptible natural gas, which is the most common method of industrial gas curtailment.
  - EPA should modify the rule to clarify it does not intend to restrict the ability of facilities to obtain the most appropriate gas purchasing contract, and clarify that EPA will allow the use of backup fuel when contracts dictate financial penalties for continued use of natural gas.
  - The definition needs to be identical in both the major and area source boiler rules.

#### **BOILER AREA SOURCE RULE**

1. Existing facilities should have a 3 year compliance deadline for the tune-up requirements, dating from the March 21, 2012 final rule. There are hundreds of thousands of area sources that will be competing with boiler major sources, CISWI and MATS units for a limited number of environmental consultant resources that are necessary for compliance. (*see comments package 2, pages 2 - 3*)

#### **CISWI RULE**

1. EPA must allow combustion units that intermittently burn solid waste to be able to transition between §129 and §112 requirements as applicable. (*see comments package 1, pages 68 – 71; comments package 3, pages 5 - 8*)
  - The 2011 final CISWI rule required that units that cease combusting solid waste remain subject to CISWI for at least six months after solid waste is added to the combustion chamber. However, section 129(g)(1) defines a solid waste unit as a unit “which combusts any solid waste material,” not a unit that COMBUSTED solid waste material.
  - EPA should mirror the fuel switching provisions in the 2005 Hazardous Waste Combustor MACT, which would allow facilities to choose to either comply with CISWI at all times, or with CISWI when combusting a solid waste and with the Boiler MACT when not combusting a solid waste. The burden would be on industry to ensure that it is meeting the requirements of the applicable rule at all times.

- This solution would also aid with complying with startup and shutdown emissions limits in the CISWI rule, in that most combustion units utilize fossil fuels for startup and shutdown.

## **NON-HAZARDOUS SECONDARY MATERIALS RULE**

1. The NHSM Rule replaced the definition of “solid waste” that was in the 2000 CISWI Rule. The 2000 CISWI Rule included a definition of “contained gaseous material,” but that definition was dropped without notice in the final 2011 CISWI Rule, and the response to comments document for the NHSM Rule upended the regulatory history of this definition and EPA’s longstanding policy position. EPA needs to reinstate the definition of “contained gaseous material” in the final reconsidered CISWI/NHSM Rule. *(see comments package 4, page 13; June 8, 2012 letter to Assistant Administrator Stanislaus)*
  - The deletion of the definition of “contained gaseous material” has created great confusion as to EPA’s intent to regulate process and other gases as “solid waste.”
  - EPA needs to be clear on this issue, and reinstate the definition in the CISWI Rule and explain in the preamble that the Agency’s previous positions on “contained gaseous materials” have not changed.