

Reconsideration of Final Rule
Subpart JJJJJJ – National Emission Standards for Hazardous Air Pollutants
For Area Sources: Industrial, Commercial, and Institutional Boilers

Summary of proposed changes – December 2, 2011

APPLICABILITY:

- Clarifying the definition of a hot water heater which is not subject to subpart JJJJJJ.
 - Hot water heater is defined as a closed vessel with a capacity of no more than 120 U.S. gallons in which water is heated by combustion of gaseous or liquid fuel and hot water is withdrawn for use external to the vessel. Hot water boilers (i.e., not generating steam) combusting gaseous or liquid fuel with a heat input capacity of less than 1.6 million Btu per hour are included in this definition.
- Adding temporary boilers to the list of boilers not subject to subpart JJJJJJ.
 - Consistent with the Boiler MACT
 - Temporary boiler is defined as a gaseous or liquid fuel boiler that is designed to, and is capable of, being carried or moved from one location to another by means of, for example, wheels, skids, carrying handles, dollies, trailers, or platforms. A temporary boiler cannot be attached to a foundation or remain at a location for more than 12 consecutive months.
- Adding residential boilers and electric boilers to the list of boilers not subject to subpart JJJJJJ.
 - Residential boiler is defined as boilers used to provide heat and/or hot water used by the owner or occupant of a dwelling designed for and used for not more than four family units. This definition includes boilers used primarily to provide heat and/or hot water for a dwelling containing four or fewer families located at an institutional facility (e.g., university campus, military base, church grounds) or commercial/industrial facility (e.g., farm.)

TUNE-UP REQUIREMENTS:

- Amending the rule to specify that all existing boilers subject to the tune-up requirement would have two years (by March 21, 2013) in which to demonstrate initial compliance, instead of one year (by March 21, 2012) currently in the final rule.
 - **If EPA has not taken final action on the initial compliance date for tune-ups prior to the date (March 21, 2012) for initial compliance, EPA is considering staying the effectiveness of the rule for 90 days – as allowed under CAA section 307(d)(7)(B) – so that EPA could complete reconsideration.**
- A new subcategory for seasonally operated boilers
 - After the initial tune-up, seasonal boilers are required to complete a tune-up every five years instead of biennially.

- Changing the requirements for subsequent tune-ups only for oil-fired boilers less than or equal to 5 MMBtu/hr to a tune-up once every 5 years.
- Removing the requirement for new boilers to conduct the initial tune-up at initial startup. Subsequent tune-ups are required within 2 years (or 5 years for seasonal boilers and oil-fired boilers less than or equal to 5 MMBtu/hr).
- Clarification that for dual fired boilers subject to the tune-up requirement, the tune-up must be conducted while burning the type of fuel that provided the majority of the heat input to the boiler over the 12 months prior to the tune-up.

DEFINITIONS:

- Amending the definition of “period of natural gas curtailment or supply interruption” to clarify that periods of supply interruption that are beyond the control of the facility can also include on-site gas system emergencies and equipment failures, that legitimate periods of supply interruption are not limited to off-site circumstances, and that it includes the curtailment of any gaseous fuel and is not limited to just natural gas.

EMISSION LIMITS AND MONITORING:

- Amending the mercury and CO emission limits for coal fired boilers.
 - Mercury limit changing from 4.8 lb/TBtu to 22 lb/TBtu
 - CO limit changing from 400 ppm to 420 ppm
- Amending the monitoring requirements to allow sources subject to a carbon monoxide emission limit the option to install, operate, and maintain a carbon monoxide and oxygen continuous emission monitoring system.

RECORDKEEPING AND REPORTING:

- Amending 40 CFR 63.11214(c) to remove the requirement for submitting the energy assessment upon request.
- Amending the biennial reporting requirement contained in 40 CFR 63.11223(b)(6)(iii) to require the type and amount of fuel used over the 12 months prior to the tune-up, only if the unit was physically and legally capable of using more than one type of fuel.
- Amending 40 CFR 63.11225(b) to clarify the requirements for submitting a biennial report for units that are only subject to a biennial tune-up.
- Amending 40 CFR 63.11225(c)(2) to add additional record requirements. These would include a copy of the energy assessment and the days of operation for each boiler that meets the definition of a seasonal boiler.

- Amending 40 CFR 63.11225(c)(2) to specify that records of fuel use and type are required only for boilers that are subject to numerical emission limits in subpart JJJJJ, instead of for all boilers.
- Revising 40 CFR 63.11225(d) to remove the requirement that the most recent 2 years of records be maintained “on site” by adding language that allows for computer access or other means of immediate access of records stored in a centralized location.
- Revising 40 CFR 63.11225(g) to add any physical change that may result in the applicability of a different subcategory to the notification requirement.