

CIBO COMMENTS/DOCUMENTS AND BOILER MACT ACTIONS 2009

(09/09/09) CONFIDENTIAL

Issue	Lead	Issue Specifics	Internal Deadlines	Deadline
CCB RCRA regulation	Gary Merritt	<p>EPA is preparing a rule on CCBs. EPA is expected to send the proposal to OMB for inter-agency review in mid-October.</p> <p>[Related Activity: ASATSWMO is surveying state regulators on their preference for Sub Title C or Subtitle D regulation. Survey responses due 9/11/09]</p>		ETA 10/15/09
NOx NAAQS	Pat Dennis	<p>Primary National Ambient Air Quality Standard for Nitrogen Dioxide; Proposed Rule; EPA-HQ-OAR-2006-0922</p> <p>Based on its review of the air quality criteria EPA proposes to make revisions to the primary NO2 NAAQS in order to provide requisite protection of public health. Specifically, EPA proposes to supplement the current annual standard by establishing a new short-term NO2 standard based on the 3-year average of the 99th percentile (or 4th highest) of 1-hour daily maximum concentrations. EPA proposes to set the level of this new standard within the range of 80 to 100 ppb and solicits comment on standard levels as low as 65 ppb and as high as 150 ppb. EPA also proposes to establish requirements for an NO2 monitoring network that will include monitors within 50 meters of major roadways. In addition, EPA is soliciting comment on an alternative approach to setting the standard and revising the monitoring network. Consistent with the terms of a consent decree, the Administrator will sign a notice of final rulemaking by January 22, 2010.</p>		Comments due 09/14/2009
Waste Energy Recovery Registry		<p>Waste Energy Recovery Registry; EPA-HQ-OAR-2008-0201</p> <p>EPA is proposing to establish the criteria for including sources or sites in a Registry of Recoverable Waste Energy Sources (Registry), as required under Title IV, Subtitle D of the Energy Independence and Security Act of 2007. The Agency is also proposing the Survey processes by which EPA will collect data and populate the Registry. The rule would apply to major industrial and large commercial sources as defined by EPA in this rulemaking. This proposed rule would not require the installation of new monitoring equipment; rather it would require only that sources above certain threshold levels that wish to be included in the Registry enter specific already-monitored data points into the voluntary Survey, which is a software tool that will calculate the quantity and quality of potentially recoverable waste energy.</p>		Comments due 09/21/2009
Portland Cement MACT	John Kuhn	<p>National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry 74 Fed. Reg. 86 (May 6, 2009) - Proposed Rule EPA-HQ-OAR-2002-0051</p> <p>EPA is proposing amendments to the current (NESHAP) from the Portland Cement Manufacturing Industry. These proposed amendments would add or revise emission limits for mercury, total hydrocarbons (THC), and particulate matter (PM) from kilns and in-line kiln/raw mills located at a major or an area source, and hydrochloric acid (HCl) from kilns and in-line kiln/raw mills located at major sources. These proposed amendments also would remove the operating limit for the average hourly recycle rate for cement kiln dust; the requirement that cement kilns only use certain type of utility boiler fly ash; the opacity limits for kilns and clinker coolers; and the 50 parts per million volume dry (ppmvd) THC emission limit for new greenfield sources. EPA is also proposing standards during startup, shutdown, and operating modes for section 112 standards applicable to cement kilns. Finally, EPA is proposing performance specifications for mercury continuous emission monitors (CEMS), which could apply to sources from categories other than, and in addition to, portland cement.</p>		CIBO filled comments 09/04/2009
Stationary Source Audit	John deRuyter	<p>Restructuring of the Stationary Source Audit Program; EPA-HQ-OAR-2008-0531</p> <p>The action proposes amendments to the General Provisions to allow accredited providers to supply stationary source audit samples and to require sources to obtain and use these samples from the accredited providers instead of from EPA, as is the current practice. In addition, this proposed rule incorporates by reference Volume 3, "General Requirements for Environmental Proficiency Test Providers" adopted December 22, 2007, as an example of an acceptable accredited proficiency test sample provider (APTSP) technical criteria document. This document outlines the criteria an accredited provider program must meet for the samples to be acceptable. Requirements pertaining to the audit samples have all been moved to the General Provisions and have been removed from the test methods because the current language in the test methods regarding audit samples is inconsistent. Therefore, deleting all references to audit samples in the test methods eliminates any possible confusion and inconsistencies. Under this proposed amendment, the requirement to use an audit sample during a compliance test</p>		CIBO filed comments 08/5/09
NSPS for Coal Preparation Plants Subpart Y	<p>Mark Calmes</p> <p>Gary Merritt</p>	<p>Standards of Performance for Coal Preparation and Processing Plants. EPA-HQ-OAR-2008-0260</p> <p>EPA is proposing a supplemental action to the proposed amendments to the NSPS for coal preparation and processing plants published on April 28, 2008. This action proposes to revise the particulate matter emissions and opacity limits included in the original proposal for thermal dryers, pneumatic coal-cleaning equipment, and coal handling equipment. It also proposes to expand the applicability of the thermal dryer standards so that the standards for thermal dryers would apply to both direct contact and indirect contact thermal dryers drying all coal ranks and pneumatic coalcleaning equipment cleaning all coal ranks. In addition, it proposes to establish a sulfur dioxide emission limit and a combined nitrogen oxide and carbon monoxide emissions limit for thermal dryers, and to amend the definition of coal for purposes of subpart Y to include petroleum coke and coal refuse. Finally, it proposes to establish work practice standards to control coal dust emissions from open storage piles and roadways associated with coal preparation and processing plants.</p>		CIBO filed comments 07/13/09

Clean Air Act CO2 Endangerment Finding		<p>EPA will propose a Clean Air Act endangerment finding and seek comment on the Johnson memo concluding the CAA does not require CO2 emission limits in PSD permits.</p> <p>In the likelihood that greenhouse gases are causing climate change, the EPA proposes to find that atmospheric concentrations of greenhouse gases endanger public health and welfare within the meaning of Section 202(a) of the Clean Air Act. EPA proposes to make this finding specifically with respect to six greenhouse gases that together constitute the root of the climate change problem: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. EPA is also proposing to find that the combined emissions of carbon dioxide, methane, nitrous oxide, and hydrofluorocarbons from new motor vehicles and new motor vehicle engines are contributing to this mix of greenhouse gases in the atmosphere. Thus, EPA proposes to find that the emissions of these substances from new motor vehicles and new motor vehicle engines are contributing to air pollution which is endangering public health and welfare under section 202(a) of the Clean Air Act.</p>		CIBO filed comments 06/22/09
RICE Rule EPA		<p>National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines 74 Fed. Reg. 9698 (March 5, 2009) – Proposed Rule</p> <p>EPA is proposing national emission standards for HAPs for existing stationary reciprocating internal combustion engines that either are located at area sources of HAP emissions or that have a site rating of less than or equal to 500 brake horsepower and are located at major sources of HAP emissions. In addition, EPA is proposing national emission standards for HAPs for existing stationary compression ignition engines greater than 500 brake horsepower that are located at major sources, based on a new review of these engines following the first RICE NESHAP rulemaking in 2004. EPA also proposes to amend the previously promulgated regulations regarding operation of stationary reciprocating internal combustion engines during periods of startup, shutdown and malfunction.</p>		CIBO filed comments 06/03/09
NSR EPA	Maxine Dewbury	<p>Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation 74 Fed. Reg. 11509 (March 18, 2009) – Proposed Rule</p> <p>EPA is proposing to delay the effective date for the rule addressing "aggregation" under the PSD and nonattainment NSR programs (collectively, the NSR) published in the Fed Reg 01/15/09. This rule (the "NSR Aggregation Amendments") described when a source must combine nominally-separate physical changes and changes in the method of operation for the purpose of determining whether they are a single change resulting in a significant emissions increase.</p>		CIBO filed comments 04/17/09
GHG Mandatory Reporting EPA		<p>Rule will implement 2008 Consolidated Appropriations Act (HR 2764) provision directing EPA to write regulations for mandatory GHG reporting "above appropriate thresholds in all sectors of the U.S. economy" (Legal authority: CAA §114 and §208).</p> <p>EPA-HQ-OAR-2008-0508. EPA is proposing a regulation to require reporting of greenhouse gas emissions from all sectors of the economy. The rule would apply to fossil fuel suppliers and industrial gas suppliers, as well as to direct greenhouse gas emitters. The proposed rule does not require control of greenhouse gases, rather it requires only that sources above certain threshold levels monitor and report emissions.</p>		CIBO filed comments 6/9/2009

Rule 201/202A, PM10 & PM2.5		<p>Method for Measurement of Filterable PM10 and PM2.5 and Measurement of Condensable Particulate Matter Emissions from Stationary Sources - EPA-HQ-OAR-2008-0348-0001 (amendments to Methods 201A and 202).</p> <p>The proposed amendments to Method 201A would add a particle-sizing device to allow for sampling of particulate matter (PM) with mean aerodynamic diameters less than or equal to 2.5 micrometers (µm) (PM2.5 or fine PM), revise the sample collection and recovery procedures of the method to reduce the formation of reaction artifacts that could lead to inaccurate measurements of condensable particulate matter (CPM), eliminate most of the hardware and analytical options in the existing method, thereby increasing the precision of the method and improving the consistency under different regulatory authorities. end the transition period for CPM in the (NSR) earlier than January 1, 2011.</p>		<p>Comments filed 5/25/09; Comment period extended to June 26th.</p>
Placement of Coal Combustion Byproducts on Active and Abandoned Coal Mine Sites OSM	<p>Gary Merritt</p>	<p>OSM will propose regulations pertaining to permit application requirements and performance standards related to the placement of coal combustion byproducts (CCBs) on sites with permits for surface coal mining operations under Title V of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act) or in the reclamation of abandoned mine lands (AML) as part of projects funded or approved under Title IV of the Act. This rule is designed to ensure that operations or reclamation projects where these CCBs are placed adequately protect the public and the environment. The proposed regulations are based on existing SMCRA authorities.</p>		
NSPS for Hospitals/Medical/Waste Incinerators EPA		<p>Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Hospital/Medical/Infectious Waste Incinerators 73 Fed. Reg. 72962 (December 1, 2008) – Proposed Rule</p> <p>On 09/17/97, EPA adopted NSPS and emission guidelines HMIWI under CAA §111 and §129. The Sierra Club and NRDC filed suit in the DC Circuit challenging EPA's methodology for adopting the regulations. The Court remanded the rule (03/02/1999) to EPA for further explanation of their reasoning in determining the floors for new and existing HMIWI. The Court did not vacate the regulations, so the NSPS and EG remain in effect. On 02/06/07, EPA published a proposed response to the Court's remand and a proposed response to the CAA §129(a)(5) requirement to review the NSPS and EG every 5 years. EPA re-assessed their response following court decisions and public comments, as reflected in the 12/01/08 proposed rule.</p>		<p>CIBO filed comments 02/17/09.</p>
PS-17 (Continuous Parameter Monitoring Systems) EPA	<p>Anne McIver</p>	<p>"Performance Specifications and Quality Assurance Procedure for Continuous Parameter Monitoring Systems, Amendments to Procedure 1 of Appendix F of Part 60, Amendments to Subpart A of Part 63, and Amendments to Subpart SS of Part 63" 73 Fed. Reg. 59956 (October 9, 2008) – Proposed Rule</p> <p>EPA proposed Performance Specification 17, "Specifications and Test Procedures for CPMS at Stationary Sources" and Procedure 4, "Quality Assurance Requirements for CPMS at Stationary Sources," as well as minor amendments to address CEMS used for monitoring multiple pollutants and to clarify that the proposed PS-17 and Procedure 4 apply instead of requirements that pertain specifically to CPMS. The proposal also amends the current national emission standards for closed vent systems, control devices and recovery systems.</p>	<p>CIBO will circulate comment draft schedule.</p>	<p>CIBO filed comments 02/05/09.</p>

BOILER MACT-RELATED COMMENTS			
BMACT/CISWI/Solid Waste Definition Rule Overview	<p>OMB has approved the BMACT Phase I §114 survey ICR. Certified §114 letters sent to Individual facilities in August 2008. Documents for the EPA Combustion Survey published online include an overview document (containing all survey questions, definitions of terms, and instructions for submission) and seven spreadsheets for entering responses.</p> <p>OMB approved the BMACT Phase II §114 Test Plan ICR 5-21-09. EPA indicated §114 letters would be sent by 5-3-09. Due date for test results will be 10-15-09. Sources must notify State or other permitting authority at least 21 days prior to conducting tests.</p>		EPA must propose by 10-15-09 finalize by 7-15-10.
Solid Waste ANPRM EPA	<p>Identification of Non-Hazardous Materials That Are Solid Waste 74 Fed. Reg. 41 (January 2, 2009) – Advanced Notice of Proposed Rulemaking</p> <p>EPA sought comment on which non-hazardous materials are solid waste under RCRA, as well as on specific questions concerning the definition of "solid waste" under RCRA as it applies to non-hazardous waste programs, pursuant to developing standards under CAA §112 and §129.</p>		CIBO filed comments 02/02/09.
BMACT/CISWI Draft Test Plan EPA	<p>In a Dec. 22, 2008 email, Jim Eddinger (EPA) circulated draft test plans for filling data gaps from the Boiler MACT/CISWI survey, so as to jump-start discussions on getting Phase II approval from OMB.</p>		CIBO filed comments 01/09/2009.
Reducing Hazardous Air Pollutants from Industrial Boilers: Model Permit Guidance NACAA	<p>Technical Considerations for CAA 112j Standards (CIBO document) Legal Considerations for CAA 112j Standards (CIBO document)</p> <p>Pursuant to Section 112(j) of the CAA (the "MACT hammer"), state and local agencies are required to set the limits for the affected facilities on a case-by-case basis (EPA's BMACT rule struck was down in court June, 2007). These limits must be equivalent to those that would have applied to the source had EPA promulgated a MACT standard consistent with the Act. Because of the significant workload associated with developing case-by-case MACT limits for numerous affected sources and the short deadlines imposed by the CAA, NACAA published Model Permit Guidance on June 10, 2008. NACAA has published site-specific data used to develop the guidance online (http://www.4cleanair.org/Boiler/).</p>		CIBO released statement 6/14/08.

BMACT Survey (Approved §114 ICR) EPA		<p>73 Fed. Reg. 47153 (August 13, 2008) – OMB Approval Notice EPA ICR No. 2286.01</p> <p>http://survey.erg.com/ss/wsb.dll/s/7g8d</p> <p>Documents for the EPA Combustion Survey published online include a survey overview document (containing all survey questions, definitions of terms, and instructions for submission) and seven spreadsheets for entering responses. Certified Section 114 letters sent to individual facilities in August.</p>		<p>Survey responses due 10/06/08.</p>
Revised §114 ICR EPA		<p>73 Fed. Reg. 27820 (May 14, 2008) – Notice</p> <p>EPA submitted an ICR for approval to determine the current population of affected combustion units and to develop emission standards for source categories to rewrite the boiler MACT standard. CIBO filed comments on the initial ICR on February 5, 2008. EPA addressed these and other comments and adjusted burden estimates in a revised ICR.</p>		<p>CIBO filed comments 6/13/08</p>
§114 ICR EPA		<p>72 Fed. Reg. 69213 (December 7, 2007) – Proposed Information Collection</p> <p>EPA proposed text for its request for approval to OMB for information collection request to rewrite the boiler MACT standard. The proposed ICR included two components. The first component would solicit information from all potentially affected units in an electronic survey under §114 of CAA. The second component would require, if deemed necessary under §114 of CAA, the owners/operators of up to 350 boilers or process heaters selected at random to conduct stack testing.</p>		<p>CIBO filed comments 2/05/08.</p>
Revised §112j ICR EPA		<p>73 Fed. Reg. 20920 (April 17, 2008) – Notice</p> <p>EPA submitted an ICR to OMB for approval to implement case-by-case MACT under Clean Air Act Section 112j. CIBO filed comments on this ICR on January 2, 2008. EPA addressed these and other comments and adjusted burden estimates in a revised ICR.</p>		<p>CIBO filed comments 5/19/08.</p>
§112j ICR EPA		<p>72 Fed. Reg. 72226 (November 2, 2007) – Notice</p> <p>EPA proposed text for its Information Collection Request (ICR) to the Office of Management and Budget (OMB) for approval to implement case-by-case MACT under Clean Air Act Section 112j. The existing ICR expired on May 31, 2005. Before submitting the ICR to OMB for review and approval, EPA solicited comments on specific aspects of the proposed information collection.</p>		<p>CIBO filed comments 1/2/08.</p>
NACAA Graphs for Model Rule	<p>John deRuyter</p>	<p>NACAA Boiler MACT Model Rule Data Summary for Industrial Boiler CO and PM limits</p> <p>CIBO commented that emissions from fuel combustion are variable and dependent on site-specific and unit-specific factors that influence the combustion process and flue gas composition, and that looking at data points supposedly representing emission rates and applying percentile values ignores the underlying basis for those emission results and will likely lead to misleading conclusions that are not consistent with the MACT Floor determination process.</p>		<p>CIBO sent comments 4/23/08</p>
NACAA Menu of Options	<p>Robin Ridgeway</p>	<p>Controlling Fine Particulate Matter Under the Clean Air Act: A Menu of Options (March 2006)</p> <p>The State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO) prepared a document entitled "Controlling Fine Particulate Matter Under the Clean Air Act: A Menu of Options" (the "NAACA Menu of Options") to assist state and local air pollution control officials in evaluating the options for reducing fine particulate matter (PM_{2.5}) and PM_{2.5}-precursor emissions.</p>		<p>CIBO filed comments 1/8/08.</p>