

**CIBO Environmental Committee
Meeting
Boiler MACT & Related Rules Status**

June 11, 2013

Boiler MACT

- Petitions for Reconsideration
- Petitions for Review

Reconsideration Issues- BMACT- Industry

- Startup
 - Clean fuels- allow more types/flexibility
 - Definition- end of startup unworkable
 - Needs to include process heaters for subsequent startups
 - Add ESPs to control devices started as expeditiously as possible
- Shutdown
 - Revise “shutdown” definition start and end
 - Begin when none of steam/heat is supplied for heating/electricity OR when fuel is no longer being fed to boiler
 - End when no steam or heat supply AND no fuel being combusted
- Specify operating load to be 30-day rolling average
- Work practice standard for CO (focus on coal)
- Need liquid fuel firing <10% in Gas 1 or Gas 2 units
- Not appropriate to consider any exceedance of PM CPMS operating limit as violation
- Clarification items

Reconsideration Issues- BMACT- EarthJustice

- Object to changed CO limits- too high
- CO is not valid surrogate for organic HAPs
- Limits lowered in final rule do not constitute MACT
 - No notice/comment
 - Inconsistency for biomass re fabric filter
 - Units with weakened standards could install FF, ESP, scrubber, ACI
 - Solid & liquid fuels could reduce emissions by switching to gas
 - Must set standards achievable, not cost-effective
- Limited use exemption and work practice standards not appropriate
 - No notice/comment on annual capacity factor, work practice standard
 - It is feasible to conduct stack testing
 - More units allowed to avoid standards

Petition for Review Issues- BMACT- **Industry**

- Startup/shutdown work practice standards
- Floor and emission limits methodology and emission limits instead of work practice standards for CO for coal fired boilers
- Energy assessment
- Provisions relating to Gas 1 and Gas 2- including no liquid firing
- PM CPMS provisions
- Rule applicability to gas fired utility units (UARG)

Petition for Review Issues- BMACT- LEAN

- Rule is illegal
- Failure to set standards for PCBs, POM, Hexachlorobenzene
- Floor standards are less than required by law
- Failure to base floors on performance of best performing sources
- Using one measure of actual emissions to identify best performing sources and another measure to determine limits
- Basing floors on hypothetical percentiles assuming random performance not affected by operator efforts to control
- Artificially adjusting source emission levels upward twice
- Using emissions at 3xDL
- Standards not reflecting maximum achievable degree of reduction
- Affirmative defense
- Use of 30-day rolling average and daily block average excluding startup/shutdown

Area Source Boiler MACT/GACT

- Petitions for Reconsideration
- Petitions for Review

Reconsideration Issues- Area Source Rule- **Industry**

- Definition of startup should be adjusted
- Add ESPs to list of control devices that must be started as expeditiously as possible
- Definition of shutdown should be revised
 - Begin when none of steam/heat is supplied for heating/electricity OR when fuel is no longer being fed to boiler
 - Ends when no steam or heat supply AND no fuel being combusted
- Eliminate energy assessment provisions
- “Clarification Issues or Questions”

Reconsideration Issues- Area Source Rule-

Sierra Club

- Input based GACT standard for oil fired boilers
 - Alternative compliance method for PM based on low sulfur oil ($\leq 0.5\%S$)
 - Urban HAP control issue- not proven
 - Mention of 500 ppm sulfur
- Limited use boiler subcategory
 - Based on 10% annual capacity factor
 - 5 year tune-up inadequate
- Exemption for subsequent PM emission tests if $<50\%$ of limit during initial performance test
- Weakened fuel sampling requirement
 - Hg compliance by initial fuel analysis with no subsequent analysis if $<50\%$ of limit

Petition for Review Issues- Area Source- **Industry**

- Notice and comment
- Startup and shutdown
- Energy assessment

Petition for Review Issues- Area Source- LEAN

- Different standards for sources not of different class, type, size
- Standards not reflecting MACT
- No standards for all urban HAP emitted at area source boilers
- Existing source floors not based on best performers
- Using one measure of actual emissions to identify best performing sources and another measure to determine limits
- Basing floors on hypothetical percentiles assuming random performance not affected by operator efforts to control
- CO as surrogate for POM
- Setting standards based on GACT
- Selecting tune-ups as GACT
- Work practice standards for units <10 MMBtu/hr
- Work practice for startup/shutdown
- Affirmative defense
- Allowing compliance demonstration for PM/HAPs using low sulfur fuel
- Exempting sources from stack testing based on single test
- Exempting sources from fuel sampling based on one-time fuel analysis

CISWI

- Petitions for Reconsideration
- Petitions for Review

Reconsideration Issues- CISWI- Industry

- Energy Recovery Council issues:
 - Extend startup to include period of non-steady state operation after waste is first fed into a unit
 - Startup ends when waste is fed to the unit
 - Issue relative to use of CO CEMS data
 - HCl limit for biomass ERUs did not address representative DL
 - 6 month applicability and fuel switch, especially relative to HCl limits
 - 17 ppm BMACT biomass vs 0.20 ppm CISWI biomass
- PCA issues:
 - Significantly lowered PM limits
 - Inappropriate startup/shutdown emission limits
 - Inappropriate new source commence construction/modification trigger date
 - Inappropriate remedy for sources failing to maintain adequate NHSM records
 - Need to elevate “modification” interpretation comments above RTC

Petition for Review Issues- CISWI- Industry

- Startup/shutdown emission standards/work practice
- Floors based on pollutant by pollutant
- Variability not considered
- 6 month delay after waste burning stopped
- Emissions averaging not included
- Methods used to establish PM limits

Petition for Review Issues- CISWI- LEAN

- Subcategories
- No standards for all HAPs emitted
- No standards for all waste incinerators
- Standards less stringent than minimum floor provisions
- Basing limits on sources that are not top performers
- Using one measure of actual emissions to identify best performing sources and another measure to determine limits
- Basing floors on hypothetical percentiles assuming random performance not affected by operator efforts to control
- Using emissions at 3xDL
- Standards not reflecting maximum achievable degree of reduction
- Affirmative defense
- Allowing monitoring of certain operating parameters instead of emissions

NHSM

- RCRA has no reconsideration process
- Petitions for Review filed

Petition for Review Issues- NHSM- Industry

- Determination that secondary materials transferred to third parties for use as fuels are presumptively “discarded” and to be managed as solid waste
- “Processed” definition too stringent
- Legitimacy criteria are vague and add to regulatory burden
- “Traditional fuels” definition too limited
- Discouraging beneficial reuse and recycling
- Sewage sludge issues (NACWA)
- Failure to identify paper recycling residuals, C&D wood, and creosote treated RR ties as non-waste fuels

Petition for Review Issues- NHSM- LEAN

- Whether EPA contravenes SWDA or CAA or arbitrary by:
 - Equating burning a material with recycling
 - Excluding whole tires; waste used oil discarded by original owners; coal refuse; resinated wood; pulp & paper sludge; C&D waste; coal combustion residues (flyash, bottom ash, boiler slag); certain materials including coal tar oil, refinery gas, synthetic fuel, heavy recycle, asphalts, blast furnace gas, coke oven gas, sawmill materials, bagasse, crop residues
 - Excluding all materials burned at a facility owned and operated by the generator, so long as materials meet vague legitimacy criteria
 - Excluding NHSM that have been discarded, but subsequently sufficiently processed
 - EPA petition process to obtain non-waste determination for specific material
 - Issuing a solid waste definition that conflicts with existing EPA definition without reasoned explanation
 - ...

Outlook

- EPA Reconsideration
 - Appears nothing is moving pending McCarthy confirmation
 - Notably, EPA did not finalize Utility MATS reconsideration rule relative to startup/shutdown issues with the recent final rule
 - Stated they need more time to evaluate the issue
 - Possible they may handle MATS and DDDDD/JJJJJ in same manner?
- DC Circuit Court Review
 - Cases consolidated
 - EPA granted more time (August?)
 - Held pending EPA Reconsideration?
 - Lisa thoughts?