



Representing the Interests of America's Industrial Energy Users since 1978

July 12, 2010

VIA E-DOCKET

U.S. Environmental Protection Agency
Air & Radiation Docket
1200 Pennsylvania Ave. NW, Mail Code 6102T
Washington, DC 20460

**Re: EPA-HQ- OAR–2009-0837
Amendments to the Protocol Gas Verification Program, and Minimum Competency
Requirements for Air Emission Testing
74 Fed. Reg. 33392 (June 11, 2010)**

Dear Sir or Madam:

The Council of Industrial Boiler Owners (CIBO) appreciates the opportunity to comment on EPA's proposed rule for amendments to the Protocol Gas Verification Program (PGVP), and Minimum Competency Requirements for Air Emission Testing.

CIBO is a broad-based association of industrial boiler owners, architect-engineers, related equipment manufacturers, and university affiliates with members representing 20 major industrial sectors. CIBO members have facilities in every region of the country and a representative distribution of almost every type of boiler and fuel combination currently in operation. CIBO was formed in 1978 to promote the exchange of information within the industry and between industry and government relating to energy and environmental equipment, technology, operations, policies, law and regulations affecting industrial boilers. Since its formation, CIBO has been active in the development of technically sound, reasonable, cost-effective energy and environmental regulations for industrial boilers. CIBO supports regulatory programs that provide industry with enough flexibility to modernize – effectively and without penalty – the nation's aging energy infrastructure, as modernization is the key to cost-effective environmental protection.

PGVP

CIBO believes that the National Institute of Standards and Technology (NIST) is an appropriate partner agency for the auditing and verification of cylinder gas producers. In the preamble (74 Fed. Reg. 33395), EPA discusses a transitional period for the owner on the use of cylinders from suppliers that choose not to participate in EPA's PGVP or sites removed from the PGVP participants. CIBO believes that this transition period is appropriate and appreciates EPA's clarification regarding continued use of these cylinders. CIBO requests that EPA add a code to the list of codes to designate

gas blends that will not be contained in the rule; NSCC = EPA Protocol gas quad-blend standard consisting of four certified components, NO_x, CO₂, SO₂ and CO, and a balance gas.

AETB

With respect to the minimum competency requirements for air emissions testing (AETB), CIBO appreciates EPA's position that personnel conducting emissions testing demonstrate a minimum competency, or work under the supervision of personnel who have demonstrated a minimum competency. While CIBO recognizes that these provisions have been a possibility since the 2006 rulemaking (71 Fed. Reg. 49300), we are concerned with the proposed implementation of January 1, 2011, and request that EPA work closely with stakeholders to ensure a smooth transition not only for the sources affected by the provisions, but also for the emissions testing firms that will seek to have personnel take examinations to become Qualified Individuals (QI) such that their firms can be designated as AETBs for purposes of this rule.

Certain small affected sources may need time to identify AETBs in their area that fulfill EPA's requirements, and if those firms are not qualified vendors, to proceed through the internal bidding and contracting processes (safety verification, insurance, contracting, etc) with vendors that do meet the AETB requirements. Therefore, EPA should make the compliance deadline January 2012 for AETBS intending to perform Part 75 RATA testing.

In any event, EPA should clarify the "effective date," which determines the "date that is six months from the effective date of final rule," and should clarify what obligations are required by January 1, 2011. Statements in the proposal concerning compliance deadlines are contradictory.

CIBO supports the ability of owner/operators to have personnel demonstrate QI/AETB, as many companies have employees with knowledge and experience in stack testing and Relative Accuracy Test Audits (RATA testing). However, EPA should, in a supplemental proposal, provide clarification of how the ASTM provisions would apply to owners who select this method of compliance. For example, how would an owner who contracts with firms manage the QA/QC program?

If you have any questions concerning our comments or require clarification, please contact me at 703.250.9042. Thank you for your consideration.

Sincerely yours,

/s/ Robert D. Bessette

Robert D. Bessette
President