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Air and Radiation Docket and Information Center
Environmental Protection Agency
Mail Code: 2822T
1200 Pennsylvania Ave., NW.
Washington, DC, 20460



Transmitted via email: a-and-r-docket@epa.gov

Email subject line: **Attention Docket ID No. EPA-HQ-OAR-2006-0790**

Dear Sir or Madam:

The National Steering Committee (NSC) for the national network of state Small Business Ombudsman and Small Business Environmental Assistance Programs thanks you for the opportunity to comment on the proposed National Emissions Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers, which was published in the *Federal Register* on December 23, 2011 in Docket ID No. **EPA-HQ-OAR-2006-0790**. The state Small Business Ombudsman and Small Business Environmental Assistance Programs (SBO/SBEAP) were created under Section 507 of the Clean Air Act Amendments of 1990. For nearly 20 years, the SBO/SBEAPs have provided extensive, hands-on assistance to small businesses to help them understand and comply with environmental regulations. Therefore, we offer comments and experience relevant to the implementation of EPA standards.

The SBO/SBEAPs, through their Technical Subcommittees, review proposed rules to assess their affects on small businesses. The Technical Subcommittees combined have **more than 40 members representing 9 of the 10 EPA regions and 25 states**. Comments from the NSC for SBO/SBEAPs reflect a wide range of experience with the efforts of small business to comply with such standards.

Comments

In general, the NSC approves of the proposed changes to the rule. We believe the changes noted below would further serve to clarify requirements, reduce reporting burdens, and incentivize pollution prevention.

Recommendation: Modify several definitions.

Clarify the definition of **seasonal boiler** to clearly state that units used for heating purposes meet the definition. Removing the “due to seasonal market conditions” language may accomplish this.

The proposed definition for **seasonally operated boilers** does not adequately address the different sources which are not in regular seasonal use through the year. One example, especially in northern climates, is space heating boilers (non-residential) which operate less than half of the year.

The nature of the *hot water heater* definition seems to be sufficient in its scope without limiting the fuel to gas or liquid. For this reason, we would support the addition of biomass or more simply the deletion of the specific fuels, since coal is highly unlikely to be prevalent in such small hot water heaters.

Due to the complexity of many of today's construction projects, we believe the definition of a *temporary boiler* should be changed. The current definition arbitrarily prevents boilers at many construction sites that would otherwise qualify for the exemption from utilizing it. These temporary boilers would still be considered insignificant sources and would still emit the same amount annually if the definition allowed 24 months instead of 12.

Recommendation: Tune-up requirements: clarify by eliminating requirement for carbon monoxide and oxygen measurements in boilers that cannot adjust for those; simplify by allowing the work practice of tune-ups for other small boilers.

While most boilers can perform the required tune-up as written, some cannot. To eliminate gray areas, it may help facilities to not have to rely on the often repeated phrases "as applicable" and "as necessary" found in the tune-up requirements of §63.11223 (b). Perhaps more complete procedures could be added for outliers, particularly small, hand-fed, biomass fuel-fired boilers. A costly portion of the tune-up, measuring carbon monoxide and oxygen both before and after the tune-up, seems pointless if there are no adjustments that can be made that would affect those levels.

In addition, we believe that an error was made in the reference to NSPS requiring testing for boilers greater than 10 mmBTU/hr. In 40 CFR Part 60 Subpart Dc, it only requires stack testing for certain boilers greater than 30 mmBTU/hr heat input. The current area source NESHAP requirement adds considerable burden to predominantly small businesses with very little environmental benefit. Therefore, we believe that the stack testing requirements for distillate boilers between 10 and 30 mmBTU/hr heat input, at a minimum, be replaced with periodic tune-up requirements.

Recommendation: Extend initial compliance schedule through 2014 at a minimum.

While we support EPA's proposal to extend the tune-up requirements from one year to two in the rule, we believe businesses will need more than two years. For the majority of area sources affected by this rule, this is their first experience with environmental regulations. As technical assistance providers, we will need sufficient time to identify and notify the affected sources. In addition, vendors capacity to meet the needs of all affected sources in both major and area source rules will be challenged in the space of only one or two years.

We also recommend that EPA provide a short term extension to the March 2012 deadline, to allow the agency sufficient time to issue a final amended rule with the extended timeline. Otherwise, businesses are taking chances with their compliance status by not completing the tune up requirements currently in effect.

Recommendation: If dual fuel boilers are operating on gas, do not require them to comply with the secondary fuel requirements.

The rule appears to be silent regarding the compliance deadline to complete tune-ups and energy assessments for existing dual fuel (gas/oil) capable boilers. Ideally, these dual fuel boilers would not be required to do anything as long as they fire gas only except under the three exemption criteria for burning oil. If economic or other conditions change such that the facility chooses to fire oil outside of the exemption criteria, they would have to file an initial

notification as an existing source and comply with the requirements as if the boiler were an existing source that had been shutdown.

If that is not possible, then the facilities should at least be allowed to file their initial notifications as oil-fired boilers but without having to follow the tune-up and energy assessment (if applicable) requirements until and unless they begin to fire oil outside the exemption criteria. Tune-ups should be completed within one week after this, in keeping with the requirement for units that are not operating. Energy assessments should be completed within 180 days after switching, in keeping with §63.7 (a). This would essentially grandfather the boiler in as an existing source and provide the flexibility to use a fuel for which the boiler was designed to operate.

Recommendation: Provide incentives for pollution prevention.

We believe that it would be good practice for EPA to incentivize pollution prevention. One way this could be accomplished is to treat distillate oil and ultra-low sulfur diesel differently than residual oils. The AP-42 emission factor for filterable particulate from these boilers is 2 lb/1,000 gal or 0.0143 lb/mmBTU heat input, which is less than half of the 6J standard of 0.03 lb/mmBTU. Splitting up the category of oil-fired boilers to simplify the requirements for cleaner oils, by requiring work practice standards on a longer time frame (5 years instead of 2 years) for larger units (up to 10 mmBTU/hr from the proposed 5 mmBTU/hr), would provide an incentive to use the cleaner fuels.

We appreciate the opportunity to comment on the proposed NESHAP for Area Sources: Industrial, Commercial, and Institutional Boilers. Please contact Barb Johnson, Co-Chair of the NSC Technical Subcommittee at 800-578-8898 if you need clarification or would like to discuss any of these issues.

Sincerely,



Renee Lesjak Bashel
Chair, National Steering Committee

cc: Jan King, USEPA OAQPS
Joan B. Rogers, USEPA Asbestos and Small Business Ombudsman