

February 21, 2012

Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
Mailcode: 2822T
1200 Pennsylvania Ave., NW
Washington, DC 20460

Attention Docket ID Nos.: EPA-HQ-OAR-2006-0790 and EPA-HQ-OAR-2002-0058

Re: *National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers, Proposed rule; Reconsideration of final rule*

National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters, Proposed rule; Reconsideration of final rule

Dear Administrator Jackson:

The Northeast States for Coordinated Air Use Management (NESCAUM) offers the following comments on two proposed rulemakings and reconsiderations of final rules by the U.S. Environmental Protection Agency (EPA) published on December 23, 2011 in the Federal Register:

- 1) *National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers (76 FR 80532-80552) (hereinafter “area source rule”); and*
- 2) *National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters, Proposed rule; Reconsideration of final rule (76 FR 80598-80672) (hereinafter “major source rule”).*

The rules are now considered “final,” though the EPA is reconsidering both rules and is accepting comment on proposed changes. These rules were proposed along with a proposal for the rules for Commercial and Industrial Solid Waste Incineration (CISWI) units, and the definition of Non-Hazardous Secondary Materials (NHSM) that are solid waste, which has large implications for CISWI units and emissions. NESCAUM is commenting on the CISWI and NHSM rules in a separate letter. NESCAUM is the regional association of air pollution control agencies representing Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

NESCAUM supports efforts that will substantially reduce emissions of hazardous air pollutants (HAPs) from a broad sector of industrial, commercial, and institutional boilers. After coal-fired power plants, these sources are among the largest direct emitters of toxic and criteria air pollutants in the country. Accordingly, the benefits to the public's health and welfare that will result from well-constructed, clear, and comprehensive rules for these sectors are substantial. It is with this in mind that we offer the following comments.

Consistency Issues

Inconsistencies between the Area Source Rule, Major Source Rule, and CISWI Rule Definitions

The EPA is proposing several definitions in the area source boiler rule, major source boiler rule (both under consideration separately), and CISWI rule that are designed to clarify the applicable fuels under the appropriate section of the Clean Air Act (CAA) regulating a combustion device (i.e., Section 112 or 129). NESCAUM notes that there are inconsistencies between the area source rule, major source rule, and CISWI rule, and requests that the EPA harmonize the definitions between the rules so there is no ambiguity as to which rule a source is subject. For example, the following definitions for liquid fuel are inconsistent between the three rules:

1. In the proposed area source boiler rule, liquid fuel is defined as follows:

Liquid fuel includes, but is not limited to, distillate oil, residual oil, any form of liquid fuel derived from petroleum, on-spec used oil, liquid biofuels, biodiesel, and vegetable oil.

2. In the proposed major source boiler rule, liquid fuel is defined as follows:

Liquid fuel includes, but is not limited to, distillate oil, residual oil, on-spec used oil, biodiesel and vegetable oil.

3. Under the CISWI and NHSM rules, liquid fuel is classified under "traditional fuel" as follows (excerpted as noted):

Traditional fuels means materials that are produced as fuels and are unused products that have not been discarded and therefore, are not solid wastes, including: (1) ... fossil fuels (e.g., coal, oil and natural gas)...; and (2) alternative fuels developed from virgin materials that can now be used as fuel products, including used oil which meets the specifications outlined in 40 CFR 279.11....

NESCAUM understands that all of these definitions are intended to encompass all non-waste liquid fuels that the EPA has deemed to be traditional fuels when burned in a combustion device and should be regulated under Section 112. NESCAUM recommends that the definitions be harmonized to all say the same thing (i.e., reference 40 CFR 279.11 for defining used oil) to the

extent possible and list the same examples (i.e., list liquid biofuels and vegetable oil in all three definitions).

Applicability and Exemptions

Heat Input Threshold Included in the Definition of Hot Water Heater

Under the reconsidered area source rule, the EPA proposes to change the definition of hot water heaters (76 FR 80547), which are exempted from the area source rule requirements. The proposal creates a clear line to define hot water heaters exempt from the rule as units with heat input capacity below 1.6 million British thermal units per hour (MMBtu/h). NESCAUM supports the change in definition with regard to the 1.6 MMBtu/h heat input threshold.

Inclusion of Biomass EGUs under the Area Source Rule

NESCAUM urges the EPA to create a new subcategory for biomass electric utility steam generating units (EGUs) of 25 MW or greater and establish emissions standards for these units at a MACT level of control consistent with how EGUs powered by other fuels are regulated. Though most types of EGUs have a separate MACT rule regulating them, EGUs that burn biomass fuel do not. Therefore, biomass EGUs with emissions below the major source threshold will be regulated as area source boilers, which is an inappropriate classification. There are many such sources that fall into this subcategory; in the NESCAUM region alone, at least a dozen facilities fall into this category and are subject only to area source requirements.

Unlike the major source boiler rule, the area source rule has created categories that are too large, and include a broad variety of boiler types that are not comparable. The current and proposed requirements for existing and new biomass boilers with heat input higher than 30 MMBtu/h do not adequately address the potential impacts and reductions that could be achieved by these very large units captured under the area source rule. Therefore, the NESCAUM states urge that the EPA develop a subcategory for biomass EGUs of 25 MW or greater that include appropriate emission limits and testing requirements as required for similar sized units firing liquid fuels and coal.

NESCAUM is providing numerical emissions limits typical of individual permitted biomass EGU sources in New Hampshire (specifically, for PSNH Schiller and Pinetree Power, Tamworth) and Massachusetts (based on the Renewable Portfolio Standard) as a possible basis for emission limits for national implementation. NESCAUM suggests the limit of 0.1 pounds per MMBtu (lb/MMBtu) for CO and 0.012 lb/MMBtu for PM. NESCAUM notes that these limits are contingent on the biomass being clean and uncontaminated (rather than wood waste fuel).

Recordkeeping of Applicability Determination

Under the current and proposed rules, emission sources make their own determination about whether they are exempt from the boiler rules, but are not required to maintain records to support their determination. This creates an untenable situation for state enforcement staff who must determine whether a given unit is subject to the rules. Without adequate recordkeeping

requirements, agencies will find it impossible to enforce these rules. Having emission sources maintain these records will assure that enforcement agencies can accurately assess the applicability determinations. Records should include the reasoning for determining whether each unit is exempt from the requirements of the area source rule, e.g., whether it can be classified as a residential or temporary boiler. Similarly, sources should be required to maintain records of fuel use by units. This will assist enforcement officials in determining the compliance and exemption status of sources.

To address these issues, NESCAUM recommends that EPA insert language requiring sources asserting exemptions from the area and major source boiler rules to maintain records to support their exemption determination. In addition, NESCAUM recommends that sources be required to maintain records of fuel use for each unit.

Exempting Both “Natural” and “Synthetic” Area Sources from Title V Permitting Requirements under the Area Source Rule

In the area source boiler rule reconsideration (76 FR 80538, Section IV.M. “Title V Permitting Requirements”), the EPA is proposing to retain the existing language at 40 CFR 63.11194(e) to exempt area source boilers from the requirement to obtain a Title V permit. The EPA is proposing this exemption for all area source boilers: both “natural” area sources, i.e., sources that have potential to emit below the major source threshold without any control technologies; and “synthetic” area sources that avoided a major source determination because of installed control technology or instituted work practices to reduce emissions. The EPA requested comment on this exemption in light of a petition filed by the Sierra Club (Docket ID: EPA-HQ-OAR-2006-0790-2359) to reconsider the EPA’s decision to grant this exemption.

The existing language of 40 CFR 63 Subpart JJJJJ clearly states that an area source is exempt from the requirement to obtain a Title V permit irrespective of how or when the source became an area source subject to the subpart. We agree with the proposal to maintain this exclusion from Title V permitting. Facilities subject to Title V permitting requirements have additional administrative and financial burdens, and subjecting facilities to Title V permitting requirements solely because of previous source emissions will not result in further air quality benefits so long as clear and enforceable area source permits or regulatory limits are in place.

More importantly, retaining an exemption from Title V permitting requirement will create an incentive for major sources to reduce emissions below the major source threshold (10 or 25 tons per year) and thereby avoid the Title V permitting requirements. This source category (i.e., boiler units) is particularly likely to benefit from the incentive to avoid Title V because units in this category are not typically the units that cause the source to be major. Those sources that are major will be more likely to reduce emissions below the major source threshold through fuel switching or installation of control technologies in order to avoid Title V requirements. Therefore, NESCAUM recommends that the EPA retain the exemption for area source boilers from Title V permitting requirements when appropriate so as to not place unnecessary effort upon these sources and encourage enforceable emission reductions.

Inclusion of Boilers at Industrial, Commercial, and Institutional in the Residential Exemption under the Area Source Rule

The EPA is proposing to include large boilers at dwellings at industrial, commercial, and institutional facilities in the list of exemptions in the area source rule. Specifically, the EPA proposes to define a residential boiler according to the following definition.

Residential boiler means a boiler used in a dwelling containing four or fewer family units to provide heat and/or hot water. 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) (76 FR 80548).

NESCAUM believes that almost all residential units will be exempted under the proposed reconsidered boiler definition, which specifies that units with heat inputs of 1.6 MMBtu/h and larger are subject to the rule (these units are much larger than a typical residential boiler). Hot water heaters below that threshold will be exempt. Therefore, by creating a duplicative exemption for residential units does not achieve additional environmental benefits, but does exempt some industrial, commercial, and institutional sources that should be subject to control. This change in definition would allow some significant sources to circumvent the rules. NESCAUM believes that sources should be regulated based on the size and emission potential of the unit, not the type of facility in which it resides.

Furthermore, in our region, there are many historically single unit residences that have been subdivided into several condominiums or apartments. The specification of a number of units as the threshold for exemption from the rule creates a situation where similar residences with similar boilers will be treated differently. In the extreme case, if an unusually large and heavily emitting unit were to reside in a 1-3 unit dwelling at an institution (e.g., a university), it would be appropriate to regulate that unit under this rule. That scenario is extremely unlikely given the proposed boiler definition in the reconsidered rule. The number of units a building is subdivided into does not have a bearing on the size or emissions of the boiler.

Therefore, the exemption for dwellings at industrial, commercial, and institutional boilers should be deleted from the final rule. NESCAUM suggests that the EPA abandon this approach for exempting residential units, and instead rely solely on the exemption for units below a unit-size threshold to exempt residential units.

Exemption for Temporary Boilers in the Area Source Rule

The EPA is proposing to amend the area source rule at 40 CFR 63.11195 by adding temporary boilers to the list of boilers not subject to regulation (76 FR 80535). This change would make the major and area source rules' treatments of temporary boilers consistent. In justifying this change, the EPA indicated that temporary boilers are typically located on site for less than a year and are not included in the facility's operating permit. The EPA defined a temporary boiler as:

Temporary boiler means any 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 boiler is not a temporary boiler if any one of the following conditions exists:

- (1) The equipment is attached to a foundation.
- (2) The boiler or a replacement remains at a location for more than 12 consecutive months. Any temporary boiler that replaces a temporary boiler at a location and performs the same or similar function will be included in calculating the consecutive time period.
- (3) The equipment is located at a seasonal facility and operates during the full annual operating period of the seasonal facility, remains at the facility for at least 2 years, and operates at that facility for at least 3 months each year.
- (4) The equipment is moved from one location to another in an attempt to circumvent the residence time requirements of this definition.

NESCAUM agrees that temporary boilers should be exempted from both the major and area source boiler rules. Subjecting these units to strict requirements beyond management practices is impractical. NESCAUM supports the establishment of a 12 month threshold, above which a unit may no longer be considered temporary. Many commercial buildings that use temporary boilers during construction, however, require more than 12 months to complete construction, and as such, NESCAUM recommends that the EPA amend the definition of temporary boilers to allow owners or operators of a facility to petition for an extension. NESCAUM believes this process is needed to allow proper flexibility within the rule so as not to require stringent controls on units that are temporary. NESCAUM specifically recommends that the second condition in the definition of a temporary boiler be changed as follows.

- (2) The boiler or a replacement remains at a location for more than 12 consecutive months, unless the regulating agency approves an extension. An extension may be granted by the regulating agency upon petition by the owner or operator of a unit specifying the basis for such a request. Any temporary boiler that replaces a temporary boiler at a location and performs the same or similar function will be included in calculating the consecutive time period.

Emission Limits

In general, NESCAUM supports the establishment of emission limits for the individual source categories in the major source rule. For instance, NESCAUM supports the establishment of limits for carbon monoxide (CO) in the proposed major source rule. There are several areas in which NESCAUM has specific concerns, however, as detailed in the following subsections.

Variations in Emission Limits for Biomass-fueled Subcategories in the Major Source Rule

NESCAUM is concerned about the large variation in PM emission limits of the reconsidered major source rule for similar boilers in different subcategories (76 FR 80601, Table 1). Among existing biomass-fueled unit subcategories, the PM emission limits range from 0.029 lb/MMBtu for wet stoker units to 0.44 lb/MMBtu for hybrid suspension/grate units. In the “final” major source rule, all existing solid fueled units had been subject to an emission limit of 0.039 lb/MMBtu. The PM emissions limits for some biomass fuel subcategories therefore represent increases by approximately an order of magnitude from the PM emission limit in the “final” rule. Also disturbing is that several of the proposed MACT emission limits are less stringent than that required for biomass units under the New Source Performance Standard (NSPS), which established an emission limit for PM of 0.030 lb/MMBtu.

Based on these inconsistencies, it is clear that the analysis of the biomass units has been parsed to a degree that the analysis is no longer valid, and results in PM emissions limits that are not representative of the maximum achievable control technology as required by Section 112 of the CAA. Similarly, there are some subcategories where proposed carbon monoxide (CO) emissions limits using a 3-hour average measurement are more stringent than the alternative CO CEMS measurements using a 10-day rolling average (notably for biomass suspension burners). This disconnect is indicative of a situation where the subcategories have been parsed too finely and too few data points are available on which to base the standards at this refined level. Therefore, NESCAUM urges EPA to continue with the biomass PM emission limits promulgated in the March 21, 2011 final rule (76 FR 15608).

Another example of inappropriate parsing of emissions data is the creation of wet and dry biomass fuel subcategories. In principle, NESCAUM does support having separate categories for wet and dry biomass fuel, because different moisture content in biomass fuel changes the CO emission profile of the fuel considerably. With proper emission control technologies installed, both wet and dry stokers units should be able to achieve large PM emission reductions. By creating subcategories for industries in which sources use kiln dried biomass fuel and have not installed adequate controls, the EPA is missing an opportunity to better control these sources.

Harmonizing Emission Standards for Factory-assembled Equipment Regardless of Facility Major Source Status

As we stated in our August 23, 2010 comments on the proposed rule for area and major source boilers (document control number EPA-HQ-OAR-2002-0058-2893.1, excerpt 1), NESCAUM is concerned by the widely varying emission limits proposed for similar units regulated under section 112 of the CAA. In that comment, NESCAUM urged that the MACT and GACT levels be harmonized across all applicable rules, thus resulting in consistent emission limits for similar units. The EPA's response indicated that calculated emissions limits are a function of data availability based on the best performing sources in each subcategory. NESCAUM agrees that this should be the case, but urges the EPA to only create subcategories and associated emissions limits where sufficient data exist to determine an applicable emissions limitation. Where data are insufficient to properly characterize what sources in a sector could do to improve emissions

control (i.e., maximum achievable control technology), NESCAUM urges the EPA to set standards for less refined subcategories that have more emissions and control data available.

New and existing standard-design packaged distillate oil-fired boilers rated greater than 10 MMBtu/h should be subject to the same emissions standards regardless of whether they are located at a major or area source facility. Their emissions performance is a function of product design, not operator discretion.

Requirements for Small Units in the Area Source Rule

In its reconsideration of the final rule for area sources, the EPA proposes emission limits for biomass-fired boilers with heat input capacity between 10 and 30 MMBtu/h and over 30 MMBtu/h (76 FR 80548, Table 1 to Subpart JJJJJ of Part 63—Emission Limits). The NESCAUM states are concerned that failing to establish numeric emission limits for biomass-fired boilers between 1.6 MMBtu/h and 10 MMBtu/h will result in greater HAP emissions from sources in this category in the northeast region, and this may have detrimental impacts on sensitive population groups. According to a Biomass Energy Resource Center (BERC) database on small wood-fired boilers, most (95 of 150, or 63 percent) of the small wood boilers in the nation are installed at schools or hospitals.¹ The US Forest Service's "Fuels for Schools" program has identified schools and hospitals as prime candidates to switch to biomass fuels. According to an analysis by BERC, in Wisconsin alone there are 200 to 300 schools using natural gas boilers that could economically and feasibly switch to biomass boilers.² Also according to BERC (2008), 30 percent of school children in Vermont attend schools heated with wood-fired boilers, yet only a handful of those boilers are required to meet an emission limit or undergo a single performance test. With the potential large increase in the use of small biomass boilers, NESCAUM anticipates significant emissions from these sources.

NESCAUM requests that the EPA create a new subcategory and establish emission limits for smaller biomass units. Small institutions like schools and hospitals are increasingly installing new, smaller biomass that are cleaner (e.g., those with multistage combustion) that do not need additional control technologies to avoid major source classification. A study by the New York State Energy Research and Development Authority (NYSERDA) found that high efficiency units can achieve an emissions performance level less than 0.1 lb/MMBtu without the use of any control device. Another study looking at biomass boilers installed under the Fuels for Schools program found that the range of performance varied significantly from 0.15 lb/MMBtu to 0.9 lb/MMBtu for a variety of biomass boilers. The EPA has not performed an adequate analysis to determine if a baseline performance standard should be required for all biomass boilers. Furthermore, the EPA has announced its intent to develop an emission standard for residential biomass boilers. If an emission standard is feasible for residential biomass boilers, it highlights

¹ BERC, Database Search Tool. Available at: <http://www.biomasscenter.org/database/database-search-tool.html>. Accessed: February 10, 2012.

² BERC, Heating with Biomass, 2008. Available at http://www.biomasscenter.org/images/portfolio/pdfs/wi_school_wood_energy.pdf.

not only the feasibility of emissions standards for small industrial, commercial, and institutional boilers, but the necessity of regulation so as not to create a void for these emission sources.

Alternative Total Selected Metals Limit in the Major Source Rule

The EPA is proposing to add a more direct measurement of representative HAP metals emissions as an alternative to use of a surrogate PM emission limits (FR 75 80606). NESCAUM supports this alternative approach to meeting the emission standards because it more directly addresses the emissions of pollutants that the EPA intends to regulate through this rule.

Tune-up and Testing Requirements

Reduced Tune-up Requirement for Seasonally Operated Boilers

In its reconsideration of the final area source rule, the EPA is proposing to create a new subcategory for seasonally operated boilers. Boilers in this subcategory would be required, under an amended 40 CFR 63.11223, to complete a tune-up every five years instead of every two years, as required by non-seasonal boilers (76 FR 80534-5). The proposed definition of a seasonal boiler is:

Seasonal boiler means a boiler that undergoes a shutdown for a period of at least 7 consecutive months (or 210 consecutive days) due to seasonal market conditions. This definition only applies to boilers that would otherwise be included in the biomass subcategory or the oil subcategory.

NESCAUM is concerned that this seasonal boiler definition creates an opportunity for facilities with boilers used as heating units during the heating season to claim that they are “seasonal units,” although that is not the EPA’s stated intent. Boilers operating from November through March (i.e., that are shut down between April and October) might qualify as seasonal units under the proposed language and operate under the reduced tune-up requirements. Therefore, NESCAUM does not support the creation of a seasonal use category.

Instead, NESCAUM proposes that the EPA create a “limited use” subcategory that would serve to fulfill EPA’s intent to include facilities that are used on a more limited basis than units operated year-round. The limited use subcategory would be similar to the limited use subcategory described in the major source rule (76 FR 80609), specifically applying to units operating less than 10 percent of the hours in a year. This has the benefit of being consistent with the major source rule approach, and similar boilers would be treated the same way in different categories.

Demonstrating Compliance with the Work Practice and Management Practice Standards under the Area Source Rule

In its reconsideration of the final area source rule (76 FR 80540), the EPA is proposing to require that boiler tune-ups use the same type of fuel that provided the majority of the heat input to the boiler over the previous year. This closes a potential loophole for boilers that have the capability

of burning multiple types of fuel to circumvent emissions limits by burning cleaner fuel for the compliance demonstration but burning dirtier fuel under typical operation. NESCAUM supports this change because it will create clearer tune-up protocols for regulators and regulated entities and reduce emissions.

Frequency of Emissions Testing for Small Units under the Major Source Rule

In its reconsideration of the final major source rule, the EPA is proposing to require that all sources subject to the rule undergo PM emissions tests at regular intervals (i.e., at least every five years, in most cases). The NESCAUM states believe that a properly maintained and tuned unit that burns light liquid fuels and that has been initially tested for PM emissions can rely on periodic tune-ups and maintenance to remain clean through its lifetime. Therefore, these scheduled testing requirements will be unnecessary for smaller units (<50 MMBtu/h) burning cleaner fuel types, and we request that the EPA remove PM testing requirements after the initial test for these units.

Tune-up Requirements for Biomass-fired Boilers

NESCAUM urges the EPA to require tune-ups for wood-fired boilers. As currently proposed by the EPA, the tune-up requirements for other boiler types are not appropriate for wood-fired boilers. As an alternative, NESCAUM is currently working with EPA Region 1 to develop regional guidance for what would constitute appropriate requirements for tuning a biomass boiler. NESCAUM recommends that the EPA adopt this regional guidance as national guidance for biomass boiler tune-ups.

Fuel Types

Units Designed to Combust Liquid Fuels in the Major Source Rule

The EPA is proposing separate subcategories for heavy liquid-fired and light liquid-fired units in addressing PM and CO emissions that are dependent on combustor design (76 FR 80608). Units that burn light vs. heavy liquid fuels have distinct PM emission profiles, with heavy fuels emitting considerably more PM than lighter fuels. Therefore, NESCAUM supports the creation of heavy and light liquid fuel subcategories for PM emissions in the major source rule.

Fuel Types Included in the Definition of Hot Water Heater

In the proposed definition of hot water heaters discussed earlier, the EPA lists “gaseous or liquid fuel” but not biomass. NESCAUM suggests that the definition also include biomass-fueled units. Without that exclusion, some very small units in the Northeast will fail to be exempted from the rule despite their negligible impact on HAP emissions. NESCAUM recommends the following revision to the definition:

Hot water heater means a closed vessel with a capacity of no more than 120 U.S. gallons in which water is heated by combustion of gaseous, liquid, or biomass fuel and hot water is withdrawn for use external to the vessel. Hot water boilers

(i.e., not generating steam) combusting gaseous, liquid, or biomass fuel with a heat input capacity of less than 1.6 million Btu per hour are included in this definition.

Initial Compliance Schedule for Existing Boilers

Granting an Additional Initial Compliance Year

In its area source rule reconsideration, the EPA proposed to amend 40 CFR 63.11196 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 to demonstrate initial compliance. In addition, the EPA requested comment on whether the initial compliance period for the tune-up requirement should be extended to three years (i.e., until March 21, 2014) (76 FR 80535).

Compliance with the March 21, 2012 deadline is logistically challenging for area sources and tune-up technicians given the short timeline, large universe of sources, and unfamiliarity with requirements under this rule. Therefore, NESCAUM supports extending the compliance period for the initial tune-up requirement to three years, until March 21, 2014.

Conducting Initial Tune-ups at New Area Sources

Energy Assessment in Area Source Rule

NESCAUM supports efforts to have facilities conduct energy assessments in order to identify cost-effective, energy conservation measures on boilers larger than 1.6 MMBtu/h. NESCAUM agrees with the specific requirements and clear language for what constitutes an energy assessment, which NESCAUM had commented on previously. To ensure that energy assessments lead to tangible improvements in energy use and emissions, NESCAUM encourages the EPA and the states to work with facilities to implement cost-effective improvements identified in the energy assessment. Furthermore, NESCAUM recommends that the EPA work with agencies to establish clear guidelines as to what constitutes a cost-effective energy efficiency improvement.

Estimating Emissions from Boilers Installed in Place of Process Gas Flares

The EPA has also requested comment (76 FR 80617, Section V.M.2) on a proposal to assume that units installed to divert process gases from flares to boilers have “zero emissions” for the purpose of classifying the boiler. The EPA reports that stakeholders support this proposal with the reasoning that process gases will be combusted in either case, and thus there is no net increase in emissions. No net increase in emissions does not equate to “zero emissions.” MACT serves to minimize HAP emissions, not just to result in a net decrease in emissions. The NESCAUM states believe that this would run counter to application requirements under the EPA’s federal regulations and would require changes to those regulations and many state implementation plans. Furthermore, this proposed “zero emissions” assignment implicitly

assumes that the flare and boiler would be under the same management, which may not always be the case. NESCAUM does not support this proposal.

Summary

The NESCAUM states share with the EPA the mutual goals of reducing air toxics and protecting public health as expeditiously as possible. We look forward to working with the EPA to ensure that the proposed area source, major source, and solid waste incinerator rules can be implemented by the states in a manner that maximizes resources and achieves our shared public health protection goals.

If you or your staff has any questions regarding the issues raised in these comments, please contact Lisa Rector (802-899-5306) or Leiran Biton (617-259-2027) of NESCAUM.

Sincerely,



Arthur N. Marin
Executive Director

cc: NESCAUM Directors
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