



2008 Air & Waste Management Association – South Atlantic States Section Conference

Williamsburg, VA

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EPA's MACT Standard for ICI Boilers Vacated

- ❑ On June 8, 2007, the Court overturned and vacated EPA's MACT standard for Industrial, Commercial and Institutional Boilers and Process Heaters ("ICI Boilers").
- ❑ Section 112(j) – the MACT "hammer" – applies.
- ❑ State/local agencies have responsibility for putting emission limits into permits. They must set MACT on a case-by-case basis, consistent with CAA provisions.



Section 112(j) Provisions

- Completed applications due 18 months after MACT should have been final. Possible interpretations include:
 - ◆ 18 months according to statute – August 2005
 - ◆ 18 months after court vacatur decision – December 8, 2008
 - ◆ 18 months after court vacatur mandate – January 30, 2009
- Onus is on sources to submit applications by 18-month deadline.
- Permit must be issued within 18 months of receipt of complete permit application.



Requirements for 112(j) Permits

- Permits must include MACT equivalent – determined case-by-case.
- Existing Sources
 - ◆ No less stringent than the “MACT floor” – the average emission limitation achieved by the best performing 12 percent of the existing sources in the United States (for which the Administrator [permitting authority] has emissions information).
- New Sources
 - ◆ No less stringent than best controlled unit in category



NACAA Decided to Develop Model Permit Guidance Because:

- ❑ ICI Boilers is second largest emitting category (after electric generating units).
- ❑ Several thousand large and potentially complex facilities will require permitting over the next 12-24 months.
- ❑ EPA data is limited and up to 20 years old.
- ❑ Determining case-by-case MACT would be time-consuming and costly for state and local agencies.
- ❑ NACAA has successfully developed helpful models in the past for other types of sources.



NACAA Process – Open, Objective, Inclusive

- ❑ Retained consultant and formed technical committee open to all NACAA members. About 30 reps from 17 state and local agencies participated.
- ❑ Solicited HAP and HAP surrogate data from all NACAA members.
- ❑ Consulted with EPA, industry and environmental organizations.
- ❑ Technical committee held regular conference calls for 6 months.
- ❑ Final product is guidance and not a mandate.



Results of Data Collection

- ❑ Received responses from more than 40 state and local agencies.
- ❑ Emissions data is publicly available and based on reference method testing approved by permit authorities.
- ❑ Several thousand test results were provided. Many were in a format that did not allow for direct comparison of performance with other facilities (i.e., tons per year or pounds per hour).
- ❑ Test results included approximately 750 data points that could be used to evaluate MACT floor.



NACAA's General Approach

- ❑ Divided EPA's Solid Fuel Category into coal and wood/biomass subcategories.
- ❑ Retained gas-fired and liquid fuel-fired subcategories.
- ❑ Eliminated size and "intermittent use" subcategories.
- ❑ Identified recommendations only for existing ICI Boilers.
- ❑ Determined average limitation achieved by best performing 12% of existing sources.
- ❑ Used variability factor of 1.5 to 2.5.
- ❑ Did not include risk-based exemption.



Pollutants Regulated

□ Surrogate Pollutants

- ◆ Carbon Monoxide for Organic HAPs
- ◆ Particulate Matter for metal HAPs
- ◆ Hydrogen chloride for inorganic (acid gas) HAPs

□ Direct HAP Emissions

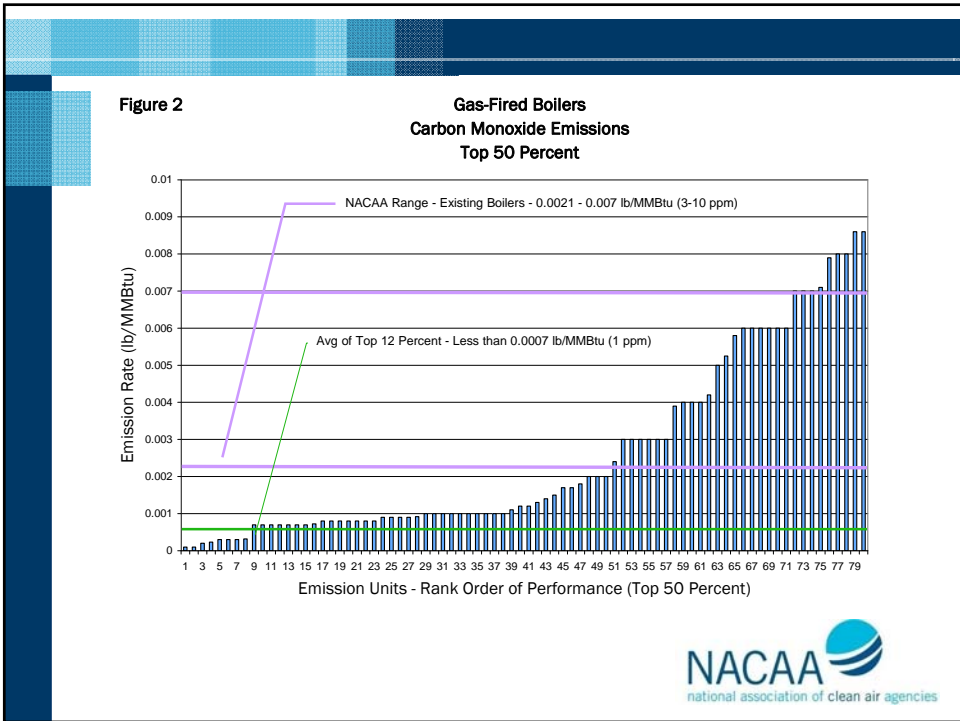
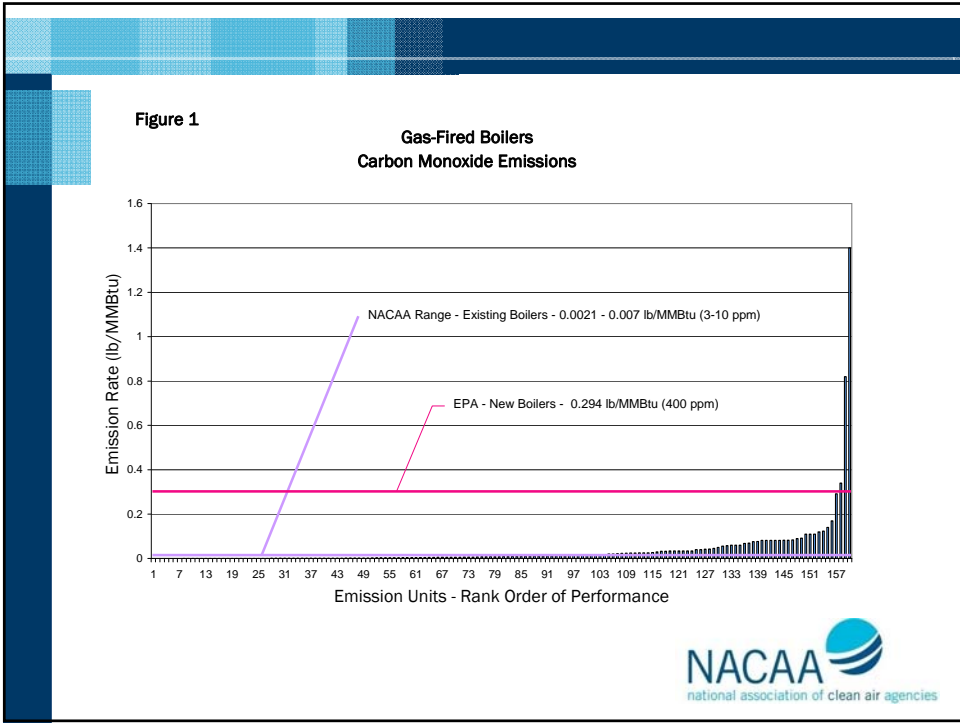
- ◆ Mercury

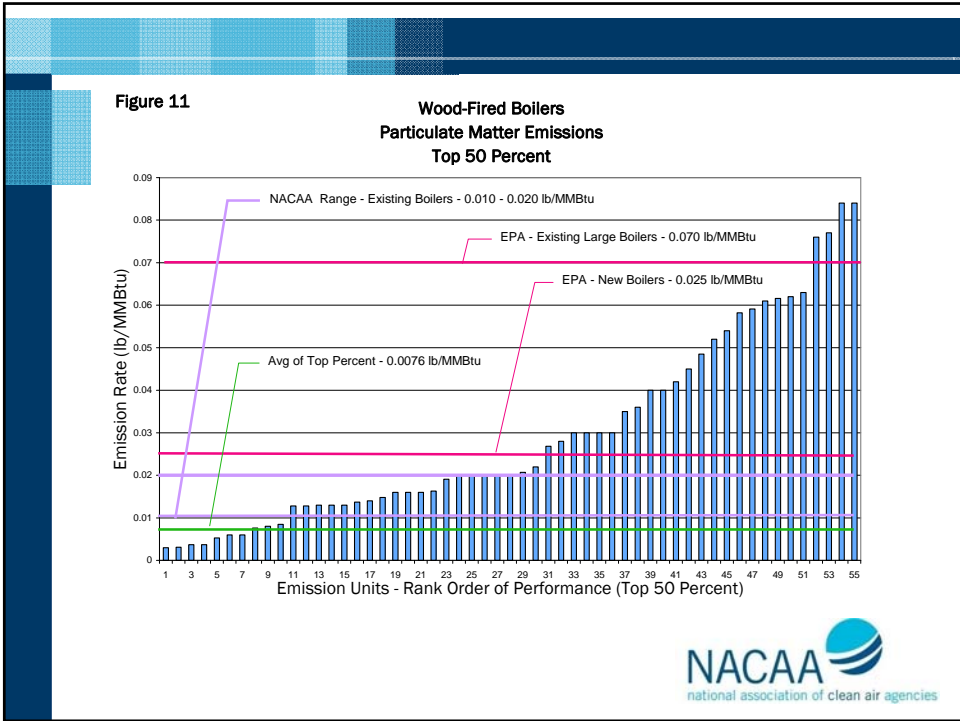


NACAA's Limits

- EPA's limits in the vacated rule would have required very little additional emission reductions from boilers.
- NACAA's recommendations are more in line with CAA – overall our MACT floor limits require between 55% and 80% of existing sources to take some action to reduce emissions.
- A few examples...







- ## Other Issues
- ❑ Procedural requirements – Title V permit modification
 - ❑ Monitoring – “enhanced monitoring” required, recommend tiered monitoring depending on the size of the unit and the variability of emissions.
 - ❑ Work practice requirements as applicable – e.g., annual “tune up”
 - ❑ Recordkeeping – 5 years, per Title V rules
 - ❑ Reporting – Per Title V rules
- NACAA
national association of clean air agencies

Ongoing Activities

- NACAA requested members to submit any additional data – will make data available and consider whether revised recommendations are warranted.

- State and Local Agencies:
 - ◆ A few taking steps to proceed (requesting or recommending Part 1 applications, developing state guidance, etc.)
 - ◆ Some unsure whether to proceed and still considering
 - ◆ Most seem to be waiting for EPA guidance



NACAA Document Available

- See www.4cleanair.org under "Our Projects"

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