

April 1, 2013

The Honorable Robert Perciasepe
Acting Administrator
U.S. Environmental Protection Agency
Room 3000
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, DC 20460

**Re: Petition for Administrative Reconsideration of the Industrial Boiler MACT,
Industrial Boiler GACT, and CISWI Reconsideration Rules**

Dear Acting Administrator Perciasepe:

The following parties hereby petition the U.S. Environmental Protection Agency (“EPA” or “Agency”) for reconsideration of the National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (Boiler MACT Reconsideration Rule) (78 Fed. Reg. 7138 (Jan. 31, 2013)); National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers (Boiler GACT Reconsideration Rule) (78 Fed. Reg. 7488 (Feb. 1, 2013)); and Commercial and Industrial Solid Waste Incineration Units: Reconsideration and Final Amendments (CISWI Reconsideration Rule) (78 Fed. Reg. 9112 (Feb. 7, 2013)):

- American Forest and Paper Association (AF&PA)
- American Wood Council (AWC)
- National Association of Manufacturers (NAM)
- Biomass Power Association (BPA)
- Corn Refiners Association (CRA)
- National Oilseed Processors Association (NOPA)
- Rubber Manufacturers Association (RMA)
- Southeastern Lumber Manufacturers Association (SLMA)
- U.S. Chamber of Commerce (Chamber)

Trade association petitioners’ member companies own and operate thousands of boilers and process heaters that will be subject to the Boiler MACT, Boiler GACT, or CISWI rules (as amended by the respective reconsideration rules). The petitioners and several member companies submitted extensive comments on the proposed Boiler MACT Reconsideration Rule, Boiler GACT Reconsideration Rule, and CISWI Reconsideration Rule to Docket Nos. EPA-HQ-OAR-2002-0058, EPA-HQ-OAR-2006-0790, and EPA-HQ-OAR-2003-0119, respectively.

We appreciate the fact that the final reconsideration rules include numerous changes that make the amended rules more achievable and workable than the original rules would have been. Nevertheless, there still are several problems with the rules that cause them to be burdensome

and unsupportable by the facts or the law. Accordingly, for the reasons explained below, we petition the Agency for administrative reconsideration of the Boiler MACT Reconsideration Rule, Boiler GACT Reconsideration Rule, and CISWI Reconsideration Rule.

Pursuant to § 307(d)(7)(B) of the Clean Air Act (“CAA”), where it was impracticable to raise an objection during the period of public comment or if the grounds for such objection arose after the public comment period (but within the time specified for judicial review), and if such objections are of central relevance to the outcome of the rule, EPA is authorized to reconsider the rule. Each of the issues detailed below satisfies these criteria for reconsideration.

In addition, we have carefully reviewed the rules, as amended through the reconsideration proceedings, and have identified a number of areas where corrections are warranted for clarification of the standards. We have catalogued these issues in the attached table and request that EPA make the needed corrections and clarifications in its reconsideration of the rules.

1. The Definition of Startup and Shutdown and the Startup Work Practices

The boiler/process heater emission standards apply at all times, except during periods of startup and shutdown, during which times facilities are required to comply with work practices. EPA has improved the startup and shutdown definitions and work practices from those proposed in December 2011, where startup and shutdown periods were based on load. As EPA acknowledges in the preamble, the purpose of industrial boilers and process heaters is to produce steam and heat. Therefore, startup ends when the boiler or process heater begins supplying steam or heat for heating, producing electricity, or both, or for any other purpose. EPA has appropriately excluded a time limit; safety and proper operation of the boiler and associated equipment dictate the amount of time that is needed for startup and shutdown and vary from unit to unit and site to site. EPA has also appropriately eliminated the load threshold from the startup definition. The minimum stable operating load is unit-specific and will vary for different boiler/process heater designs. However, these are new requirements in the Boiler MACT and Boiler GACT rules for which we and other stakeholders have not had the opportunity to comment, and there are several problematic technical issues surrounding these definitions and procedures that must be resolved in order for the rules to be practically implementable. It should be noted that, as this energy is needed for the true manufacturing process, it is in an operator’s best interest to reach these operating conditions in the minimum amount of time and as such the duration of these periods will be minimized for economic reasons anyway. But, they cannot be rushed to compromise safety of personnel and equipment.

We have asserted in comments filed on previous versions of the rules that the best way to implement startup work practices is on a site-specific basis. The definition of the end of startup and the required work practices could be reviewed and approved by the permitting agency and incorporated into the Title V operating permit as federally enforceable conditions. At a minimum, EPA needs to consider the various boiler designs and modify the startup definition to account for differences in boiler design.

A new startup work practice requirement in Table 3 of the Boiler MACT rule includes use of one or a combination of the following clean fuels: natural gas, synthetic natural gas, propane,

distillate oil, syngas, ultra-low sulfur diesel, fuel oil-soaked rags, kerosene, hydrogen, paper, cardboard, refinery gas, and liquefied petroleum gas. If you start firing coal/solid fossil fuel, biomass/bio-based solids, heavy liquid fuel, or gas 2 (other) gases, you must vent emissions to the main stack(s) and engage all of the applicable control devices except limestone injection in fluidized bed combustion (FBC) boilers, dry scrubber, fabric filter, selective non-catalytic reduction (SNCR), and selective catalytic reduction (SCR). You must start your limestone injection in FBC boilers, dry scrubber, fabric filter, SNCR, and SCR systems as expeditiously as possible. There are several problematic technical issues with this new requirement.

Boiler and process heater operators have a financial incentive to minimize the time spent in startup. When units are starting up, they are not operating in the most efficient mode and the process being served cannot operate optimally. Therefore, boilers and process heaters are started up as expeditiously as possible, but safety concerns cannot be ignored, and proper procedures must be followed. In order to be practically implementable, the startup definition in the Boiler MACT and Boiler GACT rules and the startup work practices in the Boiler MACT rule must take these facts into account and must be revised to accommodate the technical issues discussed below.

A. Start-up

The startup definitions and provisions in the MACT and GACT rules need to be revised in at least three ways: (1) allow more fuels to be “clean fuels,” (2) clarify how long clean fuels must be burned, and (3) ESPs must be added to the list of control devices that must be started as expeditiously as possible. The January 31 and February 1, 2013 rules define startup as: *“either the first-ever firing of fuel in a boiler or process heater for the purpose of supplying steam or heat for heating and/or producing electricity, or for any other purpose, or the firing of fuel in a boiler after a shutdown event for any purpose. Startup ends when any of the steam or heat from the boiler or process heater is supplied for heating, and/or producing electricity, or for any other purpose.”*

The act of supplying heat, steam, or electricity does not represent the functional end of the startup period. Some processes are designed such that downstream equipment receives heat and/or steam when fuel is being burned during startup of the boilers and/or process heaters. For example, as a boiler that provides steam to a lumber kiln is starting up, it is preheating the metal steam lines. This preheating is necessary in cold climates where a rush of steam can cause the metal to expand too quickly, resulting in catastrophic damage. This type of operating practice represents efficient use of energy during startup to prepare/preheat process equipment and is a practice EPA should continue to encourage.

Above all, the boiler/process heater operator’s primary concern during startup is safety. The startup procedures must ensure that the equipment is brought up to normal operating conditions in a safe manner, and startup ends when the boiler/process heater and its controls are fully functional. The procedures and the time necessary to complete a startup are site specific, and vary by boiler fuel, design, and control technique. The end of startup occurs when safe, stable

operating conditions are reached, after emissions controls are properly operating. The startup provisions should not include requirements that could affect safe operating practices.

(i) Clean Fuels

First, the list of clean fuels, as written, is too narrow. The list needs to be expanded to include all gaseous fuels meeting the “other gas 1” classification. Biodiesel should also be added to the list, as distillate oil is sometimes a biodiesel blend. Fuels that meet the TSM, HCl, and Hg emission limits using fuel analysis should be added to the list of clean fuels. Dry biomass (<20% moisture content) should also be added to the list of clean fuels for units operating with a mechanical collector (i.e., multiclone). Dry biomass is included in EPA’s definition of “clean cellulosic biomass” and will burn cleaner than other solid fuels. It is a clean fuel for startup because it exhibits low HCl, Hg, and CO emissions due to its chloride, mercury, and moisture content, and PM emissions would likely be below the dry biomass subcategory PM limit (the AP-42 PM emission factor for a boiler with a mechanical collector firing dry wood is below the dry biomass subcategory PM limit). Therefore it is a reasonable work practice for solid fuel boilers to burn only dry biomass as clean fuel during startup. Permitting authorities should also have the flexibility to approve other clean fuels that EPA may not have considered (e.g., other renewable fuels).

(ii) Ignition

Second, even though the start-up period continues, EPA should clarify that the requirement to use clean fuels ends after ignition OR when you engage the applicable control devices prior to firing other fuels. As currently written, it is not clear whether you must burn clean fuels only for startup (ignition) or for the duration of the startup period as defined in the rule, no matter whether your applicable control devices are engaged. If a boiler is not equipped to burn any of the listed clean fuels, the operator needs the flexibility to be able to start up on the available fuel, as long as applicable emissions controls are engaged. These clean fuels are not universally available in sufficient quantities to be burned from initial startup through normal operating load.

EPA also did not consider the added cost and burden of requiring clean fuel combustion throughout the duration of startup. Specifying the use of only listed clean fuels to startup results in increased capital and operating costs for many facilities and in the increased use of non-renewable fossil fuels; these fuels are in many cases more expensive than a unit’s primary operating fuel and require different infrastructure to accommodate (which may not be available, depending on location and other factors). In many cases the boilers must be retrofitted with systems to burn the alternative fuels such as natural gas solely to comply with startup requirements when startup may only occur once or twice per year. This represents a significant expense for a very limited amount of use. Furthermore, many facilities would be required to obtain permit modifications prior to making this change to their boilers. The previous requirement to establish startup procedures that minimize emissions and to train operators made more sense from an operational safety, cost, GHG emissions, and sustainability perspective. Mandated fuel switching for startup would be contrary to the goal of safeguarding fuel diversity,

which is a fundamental objective of U.S. energy policy. A diverse fuel mix protects energy users from fuel unavailability, price fluctuations, and changes in regulatory practices.

(iii) Pollution Control Devices

Third, as currently written, units equipped with an ESP must either fire “clean fuels” throughout startup or engage the ESP when coal, biomass, or residual oil is first introduced into the boiler or process heater. ESPs must be included in the list of air pollution controls that must be started as expeditiously as possible. The ESP cannot practically be engaged until a certain flue gas temperature is reached. Premature starting of this equipment will lead to short-term stability problems that could result in unsafe actions and longer term degradation of ESP performance due to fouling, increased chances of wire damage, or increased corrosion within the chambers. Vendors providing this equipment incorporate these safety and operational concerns into their standard operating procedures.¹

During periods of startup, combustion begins as fuel is introduced and an ESP warms up on a designated curve that could last for several hours. As the control device is heated up, additional fuel is added until the ESP (and other equipment) meets its design temperature and normal fuel firing is resumed. Some ESPs have oxygen sensors and alarms that shut down the ESP at high flue gas oxygen levels to avoid a fire in the unit. The oxygen level is typically high during startup, so the ESP may not engage due to these safety controls until more stable operating conditions are reached. Therefore, ESPs must be included in the list of air pollution controls that must be started as expeditiously as possible.

(B) Shutdown

The shutdown definitions in the MACT and GACT rules also need to be revised. The January 31 and February 1, 2013 rule definition is: “*Shutdown means the cessation of operation of a boiler or process heater for any purpose. Shutdown begins either when none of the steam and heat from the boiler or process heater is supplied for heating and/or producing electricity, or for any other purpose, or at the point of no fuel being fired in the boiler or process heater, whichever is earlier. Shutdown ends when there is both no steam or heat being supplied and no fuel being fired in the boiler or process heater.*”

The definition is problematic for units firing solid fuels on a grate or in a fluidized bed combustor where the residual material in the unit keeps burning after fuel feed to the unit is stopped. In this case fuel is still burning (“being fired”) in the unit despite the fact that load reduction is occurring, additional fuel is not being fed, and the shutdown process has clearly begun. The shutdown definition should be revised to state that shutdown begins either when none of the steam and heat from the boiler or process heater is supplied for heating and/or producing electricity or when fuel is no longer being fed to the boiler or process heater and that

¹ See Appendix I of AF&PA’s August 23, 2010 comments on the June 4, 2010 proposed rule for an excerpt of an ESP operational manual.

shutdown ends when there is both no steam or heat being supplied and no fuel being combusted in the boiler or process heater.

The terms “supplying” and “or for any other purpose” in both the startup and shutdown definitions is too open-ended and could be read to mean that steam and heat supplied for uses within the boiler itself will end the startup period or delay onset of the shutdown period. Many boilers use steam to drive rotating equipment such as feedwater pumps, preheat feedwater, and operate de-aerators. Some of these uses, e.g., operating feedwater pumps and preheating feedwater, begin in the early stages of starting a boiler and continue until the boiler is cooled down. These terms in effect limit the use of energy during startup and shutdown periods for these purposes and inappropriately truncate these periods. As a result, an operator may be motivated to use less efficient and more expensive electrical power where feasible to ensure that adequate conditions are achieved for use of steam in the manufacturing process served by the boiler or process heater. Efficient and cost effective internal uses of steam and heat for operating the boiler should not be discouraged by definitions that unnecessarily limit the duration of the startup and shutdown periods and that may require costly retrofits to boilers with no commensurate environmental benefit.

2. Operating Capacity Limitation

The Boiler MACT rule requires facilities to establish various operating parameter limits during the initial performance test and then monitor those operating parameters as ongoing compliance indicators. Most operating parameters are established based on a minimum or maximum hourly average during the initial performance test and have a 30-day averaging period for ongoing monitoring. The 30-day averaging period accounts for variability in boiler/process heater operation. One such operating parameter is boiler/process heater load. The rule requires operators to maintain the operating load of each unit such that it does not exceed 110 percent of the average operating load recorded during the most recent performance test. The rationale for this operating parameter is that for many pollutants operating at maximum load will produce maximum emissions, and the initial performance test should be conducted at the conditions under which the source could operate in the future that will produce the worst case emissions.

We do not disagree that boiler load is an appropriate operating parameter. In numerous instances, facility air permits already include operating limits related to the boiler load achieved during a prior successful performance test. However, there are two concerns with the specifics of rule requirements for monitoring of operating load. First, the language in Tables 4 (which states what operating limits must be met) and 8 (which sets forth requirements for demonstrating continuous compliance) conflicts with the language in Table 7 (which describes how operating limits are to be established). Table 4, item 8, states that if you are demonstrating compliance using performance testing, you must “maintain the operating load of each unit such that it does not exceed 110 percent of the **highest hourly average** operating load recorded during the most recent performance test.” Table 8, item 10, requires “Maintaining the operating load such that it does not exceed 110 percent of the highest hourly average operating load recorded during the most recent performance test according to 63.7520(c).” Section 63.7520(c) refers to the language in Table 4. However, Table 7, item 5, states that you “Determine the **average of the**

three test run averages during the performance test, and multiply this by 1.1 (110 percent) as your operating limit.” Therefore, there is a conflict as to whether you use the highest hourly average operating load times 1.1 as the operating limit or the test average operating load times 1.1 as the operating limit. For consistency with other operating parameter limits and to avoid inappropriately limiting boiler/process heater throughput, Table 7, item 5 should be revised to clearly state that the limit is set based on the **highest hourly average** during the test times 1.1.

Second, operating load should have the same averaging period as the other operating parameters (30 days). As stated in comments on the proposed reconsideration rule, averaging periods are appropriate for operating parameters because the standards apply during all operating conditions (excluding startup and shutdown), and operating conditions of industrial boilers and process heaters can be highly variable, especially when fuel mix and load change. The operating parameter ranges will be established using test data obtained at one steady state operating condition, so a 30-day averaging period allows for some fluctuations that will occur over the range of operating conditions. EPA correctly pointed out that variability outside the operator’s control such as fuel content, seasonal factors, load cycling, and infrequent hours of needed operation give cause to use a longer averaging period (76 Fed. Reg. 80610). In the final rule, even the emission limits are assigned a 30-day averaging period when continuous emissions monitors are used. In the final area source boiler rule, operating load is assigned a 30-day averaging period (see Table 7 of the area source rule).

There is no justification for treating the load operating parameter differently in the major source rule than the area source rule or differently from how other operating parameters are treated. A 30-day averaging period would be appropriate for the operating load parameter in the major source boiler rule as well. Although many boilers and process heaters operate at fairly constant loads over the course of a 3- to 6-hour performance test, some units provide steam, heat, or both to processes with variable requirements, such as a lumber kiln or other batch process. For facilities that only utilize one boiler or process heater to serve a particular process, it may not be possible to operate at the maximum operating load for an entire stack test without having to vent or “waste” steam not continuously required by process or processes served by the unit (if the unit is even capable of this type of practice). This would waste energy at a time when energy costs are high and it is the goal of both the agency and industry to conserve energy, not waste it.

Along the same lines, if there is no averaging period associated with the operating load requirement, processes that require variable steam or heat could cause the boiler or process heater to instantaneously operate at greater than 110 percent of the average operating load corresponding to the most recent 3- to 6-hour stack test due to a swing in instantaneous process steam demand or heat requirement. An undesirable outcome would be numerous meaningless “deviations” from the load operating parameter range during these short-term operating periods. These false deviations would be completely avoided with the application of the appropriate averaging period and would not be accompanied by any deviations from other operating parameter requirements (or emissions for units with CEMS) due to the application of a 30-day averaging period on almost every other operating parameter and on emissions measured by CEMS. In fact, § 63.7525(d)(4), which covers requirements for operating limits that require use

of a CPMS other than PM CPMS or COMS, states “you must determine the 30-day rolling average of all recorded readings...”

At a minimum, EPA should acknowledge that the language in Tables 4 and 8 and § 63.7525(d)(4) governs compliance and that the Table 7 language does not mean instantaneous compliance. Alternatively, averaging period decisions can be the purview of the state regulatory authority (many already have been determined through Title V permits). The permit then specifies the details, for instance, that operating load not exceed 110% of the highest load measured during the performance test and how the averaging period for ongoing compliance is determined as a 30-day rolling average.

3. Energy Assessment Requirements

EPA proposed a beyond the floor requirement of an energy assessment in the June 4, 2010 proposed Boiler MACT and Boiler GACT rules. The purpose of the energy assessment was to reduce demand on affected boilers and process heaters by requiring an assessment of energy efficiency opportunities in the operations served by a given boiler or process heater. We provided extensive comments on the proposed energy assessment at that time.² Among other things, we explained that EPA does not have authority to impose binding legal requirements on parts of facility that are not within the source category being regulated. In particular, EPA’s authority is limited to setting emissions standards “for each category or subcategory of major sources and area sources.” CAA § 112(d)(1). EPA defined the source category for these rules to include only specified types of boilers and process heaters and, therefore, those are the only sources for which EPA may set standards under these rules.

We also pointed out that the energy assessment requirement is not an “emissions standard” as that term is defined in the CAA and, therefore, EPA does not have authority to prescribe such requirements. Furthermore, as a practical matter, even if energy efficiency projects are implemented, there is no guarantee that there will be a corresponding reduction in HAP emissions from affected boilers and process heaters.

The energy assessment requirement remained in the March 21, 2011 final rules. We reiterated our opposition to the energy assessment requirement in our petition for administrative reconsideration of the 2011 final rules and our comments on the December 2011 reconsideration proposals.

EPA decided in the final reconsideration rules to again retain the energy assessment requirements. However, changes were made to limit the effort required to conduct assessments and to clarify how much of the facility associated with a given affected boiler must be covered by the assessment. *See* 78 Fed. Reg. at 7146.

² See for example AF&PA comments on June 4, 2010 proposal at EPA-HQ-OAR-2002-0058-3213, pp. 214-244.

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We continue to believe, as consistently asserted throughout these Boiler MACT and Boiler GACT rule proceedings, that EPA does not have legal authority to impose the energy assessment requirement and, in any event, that the record fails to demonstrate that such a requirement would be effective in reducing HAP emissions. As a result, we renew our objections to this requirement and ask EPA to eliminate it through a reconsideration proceeding.

4. Corrections and Clarifications

We have identified a number of additional clarifications and corrections that should be made to the final rules, as amended through the final reconsideration rules. Attachment 1 includes a description of these issues and recommended solutions. We ask that EPA make these needed clarifications and corrections in its reconsideration rules.

* * * * *

Thank you for your consideration of these important issues. We look forward to working with you to resolve them. Please feel free to contact Tim Hunt at (202) 463-2588 if you have questions or need more information.

Sincerely,

A handwritten signature in black ink that reads "Donna Harman". The signature is fluid and cursive, with the first name "Donna" being more prominent than the last name "Harman".

Donna Harman
President and CEO
American Forest & Paper Association
(on behalf of coalition)

Attachment

cc: Gina McCarthy, OAR
Janet McCabe, OAR
Peter Tsirigotis, OAQPS
Robert Wayland, OAQPS

Attachment

Technical Clarifications/Changes Needed to the Boiler Rules

Rule	Citation	Issue	Clarification or Change Needed
Boiler MACT	63.7525(a)(7) “Operate an oxygen trim system with the oxygen level set no lower than the lowest hourly average oxygen concentration measured during the most recent CO performance test as the operating limit for oxygen according to Table 7 to this subpart.”	<p>The rule states that if you are subject to a CO limit, you must follow 63.7525(a)(1) through (7). 63.7525(a)(7) appears to require an O2 trim system along with use of the CO and O2 CEMS. Other elements of the rule imply that facilities have a choice to utilize an O2 analyzer system (which MAY include an O2 trim system) or a CO/O2 CEMS.</p> <p>The requirement as written is overly restrictive, especially in cases where this technology cannot be effectively implemented, and we do not believe EPA intended to require use of an O2 trim system when a CO/O2 CEMS is used. Therefore, we believe that 63.7525(a)(7) should not apply where facilities are using CO/O2 CEMS or an O2 analyzer system that does not include an O2 trim system.</p>	Clarify that use of O2 trim systems is one option for compliance and not a requirement for all units with a CO limit. Facilities demonstrating compliance with CO limits must EITHER use an oxygen trim system OR an oxygen analyzer system OR a CO/O2 CEMS.
Boiler MACT	63.7515(e) 63.7521(c)(1)(ii)	There is an inconsistency in the rule regarding fuel sampling requirements for facilities using the fuel analysis option. We believe that monthly sampling is sufficient, and that sampling 3 times per month is overly burdensome (and in some months it would be impossible to obtain 3 samples 10 days apart).	Clarify that the rule requires collection of monthly samples collected no less than 14 days apart.

Rule	Citation	Issue	Clarification or Change Needed
Boiler MACT	63.7550(b)(1) and (2)	The dates for submitting the compliance reports specified in § 63.7550(b)(2) are the same as the end of the reporting periods specified in § 63.7550(b)(1).	Adjust the dates in § 63.7550(b)(2) to provide a 30-day period for report submission.
Boiler MACT	63.7540(a), 63.7555(d)(1), and Table 8	63.7540(a)(2) requires facilities to keep records of the type and amount of fuels burned in each boiler or process heater during the reporting period to demonstrate that the fuel mixture would result in lower fuel input of chlorine, mercury, and TSM than that during the last performance test. We believe EPA inadvertently deleted the “fuel pollutant content” line from Table 8 in the March 2011 final rule and December 2011 proposed reconsideration rule, which clearly stated that the fuel pollutant content comparison was to be performed monthly. The deletion of this item was not explained in any responses to comments or in the preamble and since 63.7555(d)(1) requires monthly fuel use records for each boiler or process heater, it is appropriate to clarify that the fuel pollutant content comparison is to be performed monthly, otherwise a short-term operating limit might be assumed. It is beyond the capability of multi-fuel boiler operators to measure input of each fuel on a short-term basis.	EPA should reinstate the line item for fuel pollutant content in Table 8 of the 2013 rule.

Rule	Citation	Issue	Clarification or Change Needed
Boiler GACT	Table 1 CO limits	Items 1 and 2 in Table 1 specify that units can comply with the CO limit using a 3-run average or a 10-day rolling average (when using CO CEMS). Item 6 CO limit does not include an averaging period.	Add “3-run average or 10-day rolling average” to the CO limit in Table 1, Item 6.
CISWI and MACT	§60.2265 and §60.2875	Definition of “commercial and industrial solid waste incineration includes operating units that fail to keep records of materials other than traditional fuels under section 241.2. A combustion unit that does not burn solid waste cannot be categorized as a CISWI unit and should not be subject to its provisions, recordkeeping or otherwise. Further these provisions would create a presumption of CISWI applicability as an automatic result of a recordkeeping violation. Such a result is inconsistent with EPA’s established enforcement response policies that would otherwise provide a more reasonable framework for addressing such recordkeeping violations. Automatic CISWI applicability is not an appropriate result for such a violation.	Change § 60.2265 definition of CISWI by dropping “...If the operating unit burns materials other than traditional fuels as defined in section 241.2 that have been discarded, and you do not keep and produce records as required by section 60.2175(v), the operating unit is a CISWI unit...” Change 60.2875 definition of CISWI by dropping..... “...If the operating unit burns materials other than traditional fuels as defined in section 241.2 that have been discarded, and you do not keep and produce records as required by section 60.2740(u), the operating unit is a CISWI unit...”

Request for EPA Guidance

We request that EPA provide guidance on the following questions and consider whether amendments to the regulatory language are the best way to address these questions to reduce compliance uncertainty.

Question/Issue	Industry Comments, Interpretation, and Suggested Solution
Do recordkeeping requirements in the MACT, GACT, and CISWI rules associated with the use of NHSMs <u>kick-in</u> as of the effective date of the rule OR only after the facility demonstrates compliance with all applicable limits, either under Boiler MACT, Boiler GACT, or CISWI. The same question also applies to the recordkeeping requirements under CISWI, Boiler MACT, or Boiler GACT.	The applicable recordkeeping requirements would become effective as of the compliance date for the regulation
Is the 60-day notification requirement, applicable for monitoring plans, alternative analytical methods, and performance tests, waived for performance tests triggered by deviations?	Language in 63.7540(a)(18)(ii)(C) related to PM CPMS indicates that deviations in the 30-day rolling average parameter trigger a requirement to repeat the performance test within 30 days of the deviation. The 60-day notification requirement cannot be satisfied for this scenario and should therefore be explicitly waived for retests triggered by deviations. Facility can be covered by previously submitted test protocol and would notify as soon as possible.
When do retest data become effective for use in compliance calculations? The retesting, report submittal, and approval process could take up to 180 days.	Retest data are forward-looking and should become effective for compliance calculations from the day the results of performance test are received (confirmation of the retest). This requirement would be consistent with the rationale in 63.7540(a)(18)(ii)(C) stating that parameter exceedances occurring between the first deviation and the corresponding retest DO NOT count as additional deviations.
When do new fuel and stack test data become effective for use in compliance calculations? When do new parameter limits from the most recent stack test become effective?	The results become effective when they are received and can be used to demonstrate compliance, going forward.

Question/Issue	Industry Comments, Interpretation, and Suggested Solution
Does a liquid fuel unit equipped with a CO CEMS under Boiler MACT have the option to use the CO CEMS to demonstrate compliance with the applicable CO limit? (An alternative CEMS limit has not been established for the liquid subcategory.)	The facility can apply for an alternate monitoring request in this case. The alternate CO CEMS limit would be the same as the short-term limit, and the facility could request an appropriate averaging period.
How are CO data that exceed the span value of the instrument handled in calculating the 30-day averages? (Is the upper limit of the span used to calculate the 30-day rolling average)?	Section 63.7525(a)(2)(iii) cites the requirement to set the span value at 2 times the applicable limit. CO measurements above the span of the instrument are valid unless the value is above the range of the instrument. Values above the range are less reliable and should not be included in the calculation of rolling averages. The range value itself should be used for the rolling average calculation in such cases.