



Department of Energy

Washington, DC 20585

March 11, 2003

EPA Docket Center (Air Docket)
U.S. EPA West (MD-6102T)
Room B-108
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460
Attention Docket ID No. OAR-2002-0058

Dear Sir or Madam:

The Department of Energy (DOE) has reviewed the Environmental Protection Agency's proposed rule, "National Emission Standards for Hazardous Air Pollutants for Industrial/Commercial/Institutional Boilers and Process Heaters," published in the January 13, 2003, *Federal Register* (68 FR 1659). Enclosed please find two copies of the Department's comments and recommendations on the proposed regulations based on our review of their potential impacts on DOE operations and facilities.

The Department appreciates the opportunity to comment on the proposed rule. If there are any questions concerning the enclosure, please contact Ted Koss of my staff (202 586-7964; theodore.koss@eh.doe.gov).

Sincerely,

A handwritten signature in black ink that reads "Andy Lawrence". The signature is written in a cursive style with a large, stylized initial "A".

Andy Lawrence
Director
Office of Environmental Policy and Guidance

2 Enclosures

cc: Jim Eddinger, EPA

Department of Energy (DOE) Comments on the Environmental Protection Agency's (EPA) Proposed Rule on National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial/Commercial/Institutional Boilers and Process Heaters
(Federal Register Vol. 68, No. 8, January 13, 2003)

1. Application of miscellaneous NESHAP requirements to existing, small solid, liquid or gaseous fuel-fired boilers, and to new and reconstructed small gaseous-fired boilers, that are otherwise exempt from emission and operational limitations

The proposed rule would subject all affected sources (including those existing sources in the small solid fuel subcategory, existing sources in the liquid or gaseous fuel subcategories, and new or reconstructed sources in the small gaseous fuel subcategory that are exempt from emission limitations and operational limitations) to ancillary recordkeeping and documentation requirements. We believe that subjecting these sources to these miscellaneous requirements may be unintentional.

The rule would require sources that are not subject to any emission limitations and operational limitations (*e.g.*, existing liquid fuel-fired boilers) to prepare a written startup, shutdown, and malfunction plan (SSMP) [proposed §63.7505(d)], even though these sources are not subject to any emission limitations or operational limitations. This requirement is contrary to existing §63.6(e)(3)(A) of Subpart A of this part, which indicates that one of the purposes of the SSMP is to describe how the source will be operated during periods of startup, shutdown, and malfunction in order to ensure emissions are minimized “to the levels required by the relevant standards.” Preparation of a written SSMP for sources that are not subject to any emission limits or operational limits seems unnecessarily burdensome.

In addition, the rule would require sources that are not subject to any emission limitations and operational limitations to record the daily hours of operation for each boiler [proposed §63.7555(d)(2)]. This requirement is contrary to statements in the preamble to the proposed rule, which indicate that the daily recordkeeping information “is necessary to ensure that the affected source is complying with the emission limits from the correct subcategory” (p. 1696, first column). Since some subcategories of existing sources are not subject to emission limits in any subcategory, it is unclear why these records would need to be maintained.

In order to clarify that sources in subcategories for which there are no emission limitations and operational limitations are not subject to any of the requirements of Part 63 and of Subpart A of Part 63, we suggest adding text to proposed §63.7490, which would be similar to the exemption text in the proposed stationary reciprocating internal combustion engine NESHAP¹ at proposed §63.6590(b)(2). Thus, we recommend that EPA add paragraph (f) to proposed §63.7490 as follows:

¹ Proposed in the *Federal Register* on December 19, 2002 (67 FR 77829).

(f) *Exceptions.* (1) A source which meets one of the criteria in paragraph (f)(1)(i) or (ii) or (iii) of this section does not have to meet the requirements of this subpart and of Subpart A of this part.

- (i) The existing source is in the small solid fuel subcategory; or
- (ii) The existing source is in any of the liquid or gaseous fuel subcategories; or
- (iii) The new or reconstructed source is in the small gaseous fuel subcategory.