

**EXECUTIVE COMMITTEE**

**PRESIDENT**

**Jeff Theerman**

*Executive Director*

Metropolitan St. Louis

Sewer District

Saint Louis, MO

**VICE PRESIDENT**

**David R. Williams**

*Director of Wastewater*

East Bay Municipal

Utility District

Oakland, CA

**TREASURER**

**Suzanne E. Goss**

*Government Relations Specialist*

JEA (Electric, Water & Sewer)

Jacksonville, FL

**SECRETARY**

**Julius Ciaccia, Jr.**

*Executive Director*

Northeast Ohio Regional

Sewer District

Cleveland, OH

**PAST PRESIDENT**

**Kevin L. Shafer**

*Executive Director*

Milwaukee Metropolitan

Sewerage District

Milwaukee, WI

**EXECUTIVE DIRECTOR**

**Ken Kirk**

August 23, 2010

EPA Docket Center  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
Via email: a-and-r-docket@epa.gov

**Re: Docket ID EPA-HQ-OAR-2006-0790**

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on the proposed national emission standards for hazardous air pollutants (NESHAP) for industrial, commercial, and institutional boilers at area sources. NACWA represents the interests of nearly 300 publicly owned wastewater treatment agencies nationwide, serving the majority of the sewered population in the U.S. Some of these agencies have boilers at their treatment facilities that would be affected by the proposed NESHAP.

After the comment deadline was extended for the proposed NESHAP, NACWA received additional information about boilers at wastewater treatment facilities. NACWA is therefore submitting this revised and updated letter to replace our original comments that were submitted on July 19. NACWA believes that EPA's proposed threshold of 10 million British thermal units per hour (MMBtu/h) for dividing "small" and "large" boilers is appropriate. The comments below describe NACWA's concerns with specific aspects of the proposed requirements for both large and small boilers.

**Large Boilers**

Many wastewater utilities practice beneficial reuse of the biogas that is generated during the wastewater treatment process, and this includes using the biogas as a fuel for boilers. The proposed NESHAP should clarify the definition of gaseous fuel boilers to account for boilers that usually operate on biogas but must also use other fuels on certain occasions. In some cases, the design of the boilers may require that oil be used during startups. Fuel oil or other fuels may also be used during periods when biogas is unavailable due to process issues, or when available biogas is insufficient during winter months to provide sufficient thermal energy for plant needs. The amount of biogas available is dependent on a number of factors including the influent wastewater characteristics and can vary significantly even within the course of a day. The proposed definition of gaseous fuel boilers references gas curtailment, which relates to suppliers of natural gas, but does not take into



account users of on-site generated biogas, which are subject to limits on the availability of biogas due to the nature of the supply source instead of from suppliers. The definition of gaseous fuel boilers should be expanded to include “boilers using biogas which supplies on an annual average basis at least 90 percent of heat input required by the operation.”

The proposed NESHAP does not have an exemption for startups, shutdowns, and malfunctions (SSM), and Table 6 removes the requirements for an SSM plan and the requirements to maintain and operate the facility according to that plan. Compliance with the 2 ppm carbon monoxide emissions limit for existing liquid fueled boilers will be difficult for some boilers if the startup emissions must be included in the daily average emissions value. For example, one NACWA member has boilers with a design that requires the use of diesel fuel during startup. The startup sequence typically takes about six hours for a cold start, to control thermal expansion of the boiler. While carbon monoxide emissions are well below the 2 ppm limit during normal operation on digester gas, oil, or mixed fuel, inclusion of boiler startups will cause the carbon monoxide emissions to exceed the 2 ppm limit. The boilers employ low NO<sub>x</sub> burners and flue gas recirculation, and the operation has been evaluated and optimized by combustion experts to ensure efficient combustion. The rule should address a source specific exemption for situations in which emissions have been minimized to the extent possible to avoid noncompliance due to startups.

In section 63.11212(c), stack tests are required to be conducted at the “maximum normal operating load while burning the type of fuel or mixture of fuels that have the highest content of mercury.” For existing boilers with a rating greater than 100 MMBtu/hr, the applicable emissions limit is for carbon monoxide, with no limit for mercury. Requiring a maximization of mercury containing fuel is not the relevant issue for initial testing for these boilers. The appropriate test condition should instead be the maximum normal operating load using the predominant fuel.

### **Small Boilers**

NACWA agrees with EPA that work standards are appropriate for small boilers, rather than emissions limits, and EPA’s proposed requirement for conducting a tune-up of the boiler every two years is reasonable. However, NACWA does have some concerns about how this requirement would be implemented.

The proposed rule requires that the biennial tune-up “measure the concentrations in the effluent stream of CO in parts per million, by volume, dry basis (ppmvd), before and after the adjustments are made.” In addition, the facility must maintain and potentially submit an annual report that contains “the concentrations of CO in the effluent stream in ppmvd, and oxygen in percent dry basis, measured before and after the adjustments of the boiler” and “the type and amount of fuel used over the 12 months prior to the annual adjustment.” These requirements to measure effluent stream gases are inconsistent with EPA’s reasoning for establishing work practice standards rather than emissions limits for small boilers. EPA states in the proposed rule that the standard methods for measuring emissions of mercury, carbon monoxide (CO), and particulate matter (PM) are not applicable for sampling stacks with a diameter less than 12 inches, which are generally found on boilers with a capacity less than 10 MMBtu/h. In addition, many of these small boilers would require expensive modification to install sampling ports and a platform to access the stack. Since it is not feasible to require emissions limits due to the technological limitations of monitoring and testing, as well as the costs of necessary modifications to perform the tests, it is also not feasible to require emissions testing as part of the biennial tune-up.

The proposed requirement for an annual report with effluent stream measurements and fuel use before the “annual adjustment” also conflicts with the requirement for a tune-up once every two years. With the biennial tune-up requirement, adjustments would be made once every two years, and any measurements or records related to the boiler and its tune-up should be completed on a biennial basis rather than on an annual basis.

### General Comments

The proposed rule does not contain any exemptions for emergency situations. Wastewater utilities must maintain their sewage treatment capacity at all times to meet their obligations under the Clean Water Act, and utilities may need to use more oil than usual during gas disruptions or make other operational adjustments to keep the treatment facility functioning. The NESHAP should therefore include an emergency exemption for wastewater treatment facilities to allow for temporary, emergency exceedance of emissions limits without violation.

The proposed rule does not exclude hot water heaters. EPA should clarify the status of hot water heaters regarding the proposed regulation. The exclusion for hot water heaters in the proposed 40 CFR 63 subpart DDDDD, section 63.7491(d), would also be an appropriate exclusion for the area source regulation.

To reduce compliance costs, EPA should adopt more economical test methods, such as the use of handheld meters. EPA should also reduce the bookkeeping requirements, such as eliminating the requirement for daily fuel records to prove that solid fuels are not used. Facilities such as wastewater utilities often contract for fuel on a long-term basis, making a daily fuel records unnecessary.

In section 63.1124, paragraph (c)(2) states, "You must keep records to document conformance with the work practices, emission reduction measures, and management practices required by section 63.11215 as specified in paragraphs (c)(2)(i) through (iv) of this section." Neither section 63.11215 nor section 63.1124 has paragraphs with these numbers, however. EPA should clarify or correct this statement.

Thank you for consideration of our comments. Please contact me at 202/296-9836 or [cfinley@nacwa.org](mailto:cfinley@nacwa.org) if you have any questions.

Sincerely,



Cynthia A. Finley  
Director, Regulatory Affairs