



National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers Area Sources (40 CFR Part 63, Subpart JJJJJJ or 6J)

What is the new rule?

The US Environmental Protection Agency (EPA) published new boiler rules on March 21, 2011, the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Area Sources: Industrial, Commercial, and Institutional Boilers (also known as Area Source Boiler MACT) found at 40 CFR Part 63 Subpart JJJJJJ.

On March 21, 2011, EPA also published a rule affecting boilers at major sources (the Major Source Boiler MACT) and amendments to the Commercial, Industrial, Solid Waste Incinerators rule affecting boilers that burn any solid waste. On May 18, 2011, EPA stayed the Major Source Boiler MACT and Solid Waste Incinerator rule amendments. The Area Source Boiler rule is still in effect.

Which boilers are affected?

Boilers that burn coal, oil, biomass (e.g. wood), or other solid and liquid non-waste materials AND are located at area source commercial (e.g. laundries, apartments, hotels), institutional (e.g., schools, churches, medical centers, municipal buildings), or industrial (e.g., manufacturing, refining, processing, mining) facilities. In addition, 63.11194(d) also states that a boiler is a new affected source, if the fuel source was changed from natural gas to solid fossil fuel, biomass, or liquid fuel after June 4, 2010.

The following units are NOT subject to the Area Source Boiler rule:

- Any gas-fired boiler. If your boiler burns gaseous fuels (e.g., natural gas, process gas, landfill gas, coal-derived gas, refinery gas, hydrogen, or biogas) not combined with any solid fuels, or if your unit burns liquid fuel only during periods of gas curtailment, gas supply emergencies, or periodic testing it is a gas-fired boiler. Periodic testing of liquid fuel shall not exceed a combined total of 48 hours during any calendar year in order to maintain your status as a gas-fired boiler.
- Hot water heaters with a capacity of no more than 120 U.S. gallons and pressures not exceeding 160 pound-force per square inch gauge (psig), and all controls necessary not to exceed a temperature of 210°F (90°C)
- Waste heat boilers, also known as heat recovery steam generators (these boilers recover traditionally unused energy and convert it to usable heat)
- Boilers that are used as control devices for other NESHAP standards, where at least 50 percent of the heat input to the boiler is provided by the NESHAP regulated gas stream
- Research and development boilers
- Boilers subject to other NESHAP standards, Section 129 standards, or hazardous waste boilers.

What is an area source?

An area source is any source that is not a major source. A major source is a facility that emits, or has the potential to emit (in the absence of controls), at least 10 tons per year (TPY) of individual hazardous air pollutants (HAP) or 25 TPY of combined HAP.

COMPLIANCE ADVISORY

When must I submit an Initial Notification (§63.9(b)(2))?

Existing sources: No later than September 17, 2011.

New sources: No later than September 17, 2011, or within 120 days after startup of a new source, whichever is later.

What are my compliance dates (§63.11196)?

Existing Sources:

- Existing sources subject to a tune-up work practice or management practice standard must demonstrate compliance no later than March 21, 2012. The Notification of Compliance Status must be submitted no later than July 19, 2012.
- Existing sources subject to an emission limit must demonstrate compliance with the emission limits no later than March 21, 2014.
- Existing sources subject to the energy assessment requirement must complete the energy assessment no later than March 21, 2014.

New sources:

- New sources must demonstrate compliance with all requirements of the rule upon startup of the affected source, or May 20, 2011, whichever is later. The Notification of Compliance Status must be submitted by no later than September 17, 2011 or 120 days after startup, whichever is later.

Notifications and Reporting

Initial Notification: http://www.epa.gov/ttn/atw/boiler/area_initial_notification.doc

Notice of Compliance Status: http://www.epa.gov/ttn/atw/boiler/imptools/area_tuneup_noc.docx

Example Tune-up Record and Biennial Compliance Certification:

http://www.epa.gov/ttn/atw/boiler/imptools/area_tuneup_info_only.docx

Note: These are just examples. You may create your own notification as long it meets the requirements of the rule. There are additional reporting requirements if you have an emission limit.

Where can I get more information?

Brochure for Area Source Boilers - http://www.epa.gov/ttn/atw/boiler/imptools/brochure_area_7-18-11.pdf

EPA's Boiler Page - <http://www.epa.gov/ttn/atw/boiler/boilerpg.html>

Area Source Boiler Rule language - <http://www.epa.gov/ttn/atw/boiler/fr21mr11a.pdf>

Small Entity Compliance Guide for Area Source Boilers -

http://www.epa.gov/ttn/atw/boiler/imptools/area_sm_biz_compli_guide_appx.pdf

If you need to speak with a NJDEP representative, please call:

(973) 656-4444 if you are in Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Somerset, Sussex, Union and Warren counties

(609) 292-3187 if you are in Burlington, Mercer, Middlesex, Monmouth, and Ocean counties

(856) 614-3601 if you are in Atlantic, Camden, Cape May, Cumberland, Gloucester, and Salem counties

Pease note this advisory is intended to be a summary explanation of a department initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the Enforcement number listed above.