**EPA Boiler Rule (Area Source)**

On December 20th, 2012 the Environmental Protection Agency (EPA) finalized its rule for “National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers”.

*Please note: NRMCA is operating off of information obtained from NRMCA members and research that indicates the vast majority of ready mixed concrete operations use boilers that have a heat input of less than 10 million Btu per hour (<10 MMBtu/hr). As such, this is NRMCA’s focus in regards to advising the industry on compliance.*

**Definitions...**

Boiler: An enclosed device using controlled flame combustion in which water is heated to recover thermal energy in the form of steam and/or hot water. Controlled flame combustion refers to a steady-state, or near steady-state, process wherein fuel and/or oxidizer feed rates are controlled. A device combusting solid waste is not a boiler unless the device is exempt from the definition of a solid waste incineration unit as provided in section 129(g)(1) of the Clean Air Act.

Commercial boiler: A boiler used in commercial establishments such as hotels, restaurants, and laundries to provide electricity, steam, and/or hot water.

Industrial boiler: A boiler used in manufacturing, processing, mining, and refining or any other industry to provide steam, hot water, and/or electricity.

Institutional boiler: A boiler used in institutional establishments such as, medical centers, nursing homes, research centers, institutions of higher education, elementary and secondary schools, libraries, religious establishments, and governmental buildings to provide electricity, steam, and/or hot water.

Existing boiler: A boiler constructed or reconstructed on or before June 4, 2010.

New boiler: A boiler constructed, reconstructed, or that changed fuel sources after June 4, 2010.

Area Source boiler (small boiler): A boiler that has a heat input of less than 10 million Btu per hour (<10 MMBtu/hr), also considered a small boiler.

**Who’s Covered...**

EPA’s small boiler rule covers: “...boilers located at area source facilities that burn coal, oil, biomass, or other solid and liquid non-waste materials.

**Covered:**

- **Smaller boilers** – boilers with a heat input of less than 10 million Btu per hour (<10 MMBtu/hr). Must have tune-up at least every two (2) years.
- **Small oil-fired boilers** – boilers with 5 million BTU per hour or less (≤5 MMBtu/hr). Must have tune-up every five (5) years.
- **Seasonal boilers** – “a biomass or oil-fired boiler that undergoes a shutdown for a period of at least 7 consecutive months, or 210 consecutive days, due to seasonal market conditions.” Must have tune-up every five (5) years.
- **Oxygen Trim System boilers** – “boilers that w/ oxygen trim systems that maintain an optimum air-to-fuel ratio.” Must have tune-up every five (5) years.
- **Limited-Use boilers** – “boilers that burn any amount of solid or liquid fuels and have federally enforceable average annual capacity factors of no more than 10 percent.” Must have tune-up every five (5) years.
Not Covered:

- **Gas-fired boilers** – “a boiler that burns gaseous fuels, such as natural gas/propane, process gas, landfill gas, coal-derived gas, refinery gas, hydrogen, or bio gas.”
- **Hot water heater** – a closed vessel with a capacity of no more than 120 U.S. gallons and with a heat input capacity of less than 1.6 million Btu per hour (<1.6 MMbtu/hr) in which water is heated by burning gaseous, liquid, or biomass fuel. Includes tankless units that provide on-demand hot water. 
- **Waste heat boilers** – “device that recovers normally unused energy such as hot exhaust gas. Also known as heat recovery steam generators.”
- **Temporary boilers** – any gaseous or liquid fuel boiler that is designed to, and is capable of, being carried or moved from one location to another by means of... wheels, skids, carrying handles, dollies, trailers, or platforms.” And doesn’t remain “at a location for more than 12 consecutive months.”
- **Electric boilers** – “a boiler in which electric heating serves as the source of heat.”
- **Residential boilers** – “a boiler used to provide heat and/or hot water and/or as part of a residential combined heat and power system.”
- **Boilers subject to other NESHAP standards**
- **Hazardous waste boilers** – “boilers required to have a section 3005 permit.”
- **Boilers subject to section 129 of the Clean Air Act**
- **Boilers used as Control Devices to comply with other standards**
- **Research and Development boilers**
- **Electric utility steam generating units (EGUs)** – “fossil fuel combustion units of more than 25 megawatts that serve a generator that produces electricity for sale.”

**When and How To Be Compliant...**

As per EPA’s finalized boiler rule, owners/operators of small boilers are now required to complete periodic tune-ups of covered boilers. The first step toward compliance is for those owners/operators with covered boilers to submit to the appropriate Regional EPA Office a one-time “Initial Notification of Applicability” for each covered boiler (basically letting EPA know that you have a boiler(s) covered under the new rule). The next step, depending on the age of the boiler(s), is for owners/operators to complete the first/initial tune-up and fill-out and submit to EPA a “Notification of Compliance Status for Boilers Subject to Tune-ups” form.

For **existing boilers**, the compliance deadline to submit the “Initial Notification of Applicability” form, if it hasn’t already been submitted, is no later than **January 20, 2014**. The compliance deadline to complete the first/initial tune-up is **March 21, 2014**. The deadline to submit the corresponding “Notification of Compliance Status for Boilers Subject to Tune-ups” is **July 19, 2014**.

For **new boilers**, the compliance deadline to submit the “Initial Notification of Applicability” form, if it hasn’t already been submitted, is no later than **January 20, 2014** or within 120 days after startup of a new source. For new boilers a “Notification of Compliance Status for Boilers Subject to Tune-ups” is **not required**, however “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 only physical submissions to EPA for this rule are the one-time **“Initial Notification of Applicability”** form and the very first **“Notification of Compliance Status for Boilers Subject to Tune-ups”** form. Subsequent tune-ups only require owners/operators to prepare a compliance certification document noting the requirements of the periodic tune-up are met. The document does not need to be submitted to EPA, only prepared and held by the owner/operator for each boiler in case EPA requests it. Please refer to the below link for more information, specifics about tune-up requirements, and the information and documentation required to be kept following each tune-up.

**Additional Information:**

For more information, compliance info, and corresponding forms for EPA’s boiler rule please visit:

http://www.epa.gov/tnn/atw/boiler/boilerpg.html