



A Summary of Boiler MACT Compliance Requirements

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Department of Environmental Quality



Boiler MACT - 40 CFR 63, Subpart DDDDD

- Quick Look at a Complicated Regulatory History
- Overview of Boiler MACT Compliance Requirements
- Summary of State Compliance Inspection Expectations



Boiler MACT Regulatory History

January 2003: EPA proposes the original Boiler MACT rule.

September 2004: EPA promulgates the original Boiler MACT rule.

June 2005 and October 2005: EPA issues notices of reconsideration and proposes amendments to specific aspects of the rule.

December 2005 and December 2006: EPA promulgates final, amended rules.

June 2007: DC Court vacates and remands 2004 rule in response to a petition.

June 2010: EPA proposes amendments to the rule based on DC Court decision.

March 2011: EPA promulgates a final, amended rule.

March 2011: EPA issues a notice of reconsideration of final rule (same day as rule is promulgated).

Boiler MACT Regulatory History

May 2011: EPA issues a stay (delay) of the effective date of the 2011 rule.

December 2011: EPA proposes revisions to March 2011 final rule.

January 2012: DC Court declares EPA's May 2011 stay to be illegal and the March 2011 final rule becomes effective.

January 2013: EPA promulgates a final, amended rule.

January 2015: EPA proposes revisions to the Boiler MACT rule.

November 2015: EPA promulgates a final, amended rule.

But wait, it doesn't end there...

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Boiler MACT Regulatory History

July 2016: DC Court vacates parts of the 2013 Boiler MACT final rule.

September 2016: EPA petitions DC Court ruling; requests remand w/out vacatur.

December 2016: DC Court issues mandate granting EPA's petition for remand w/out vacatur.

March 2018: DC Court remands CO limits in rule to EPA for reconsideration.

When are next round of revised rules expected?

➤ ***Unknown because DC Court did not impose a deadline.***

"We expect EPA to complete this rulemaking promptly."

Boiler MACT Regulatory History

- **The Boiler MACT has a complicated regulatory history:**
 - *Multiple rule proposals, promulgations, reconsiderations, challenges/petitions, vacatur, remands, stays, etc.*
- **North Carolina decided to take a different path to ensure MACT compliance:**
 - *NC Attorney General's Office policy memo dated February 24, 2009 determines that vacatur of a MACT rule equates to EPA's failure to promulgate a MACT standard.*
- **In 2010-2011, NC DAQ established CAA Section 112j Case-by-Case MACT requirements and started incorporating them into Title V permits.**
- **The “switch over” date from 112j Case-by-Case MACT to 112d Boiler MACT requirements is May 20, 2019.**

Boiler MACT “Switch Over” Date

- **What happens in North Carolina on the “switch over” date?**
 - *NC facilities must comply with MACT DDDDD requirements starting May 20, 2019.*
 - *Initial tune up and one-time energy assessment, if applicable, due no later than May 20, 2019.*
 - *Testing and other requirements due no later than 180 days after May 20, 2019.*
- **What if the facility becomes an area source before May 20, 2019?**
 - *Boiler becomes subject to area source GACT 6J, if applicable.*
- **What if a case-by-case MACT facility does not get a modified Title V permit with specific MACT DDDDD requirements by May 20, 2019?**
 - *Facility still must comply with new MACT DDDDD requirements.*
 - *Contact DAQ for help with understanding new requirements.*

Boiler MACT Compliance Requirements

- **Common boiler and process heater requirements include:**
 - ***One-time energy assessments (existing units, except for limited use units);***
 - ***Initial and periodic boiler tune-ups;***
 - ***Notice of Compliance Status (NOCS) submittal; and***
 - ***Recordkeeping and periodic reporting.***
- **Other ongoing compliance requirements vary depending on boiler subcategory, fuel type, size, use, etc., but can include:**
 - ***Work practice standards (including startup and shutdown requirements);***
 - ***Pollution control equipment and/or emission limitations;***
 - ***Initial and periodic stack testing or fuel analysis;***
 - ***Continuous emission or opacity monitoring systems (CEMS or COMS);***
 - ***Continuous parametric monitoring systems (CPMS); and/or***
 - ***Site specific monitoring plans.***

What to Expect from State Compliance Inspections

Preparation steps for plant environmental managers prior to state inspection:

- **The Cardinal Rule: Read, understand, and follow your Title V permit.**
- **Contact your state agency representative if you do not understand any permit condition or have questions about Boiler MACT requirements.**
- **Keep tabs on revisions/updates to federal (and state) regulations.**
- **Conduct internal audits; be ready to produce evidence of compliance with each permit condition/federal rule requirement.**
- **Make sure facility records are “readily available for expeditious review.”**
- **Create redundancies in environmental compliance responsibilities (e.g., backup personnel, records, reminders, etc.).**

What to Expect from State Compliance Inspections

Proofs of compliance status your state inspector will likely want to see:

- **A readily available copy of your Title V permit;**
- **Visual inspection of each boiler subject to the Boiler MACT and documentation of boiler type, size, fuel usage, maintenance records, etc.;**
- **Boiler control device parametric monitoring/continuous emission monitoring real-time readings and historical operational records;**
- **Records demonstrating compliance with every recordkeeping requirement in the Title V permit and/or the Boiler MACT;**
- **Results of any recent fuel analysis and/or emission testing (with documentation of boiler operation during testing); and/or**
- **Copies of site specific monitoring plans.**

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What to Expect from State Compliance Inspections

Specific reminders for NC facilities as the Boiler MACT “switch over” date approaches:

- One-time energy assessment is due by May 20, 2019.
- Initial boiler tune-up is due by May 20, 2019.
- NOCS due within 60 days after the Boiler MACT “switch over” date (by July 19, 2019).*
- New recordkeeping & reporting requirements go into effect.*

****Review permit carefully.***

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Boiler MACT Compliance Update Contact Information

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