

BOILER MACT UPDATE

**CIBO E&E UPDATE
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BMACT

US SUGAR CORP. V. EPA (11-1108)



Issue		
UPL does not reflect emission limit actually achieved	env	
CO illegal surrogate – no correlation, other controls possible	env	
Subcategories based on fuel illegal	env	
Can't exclude gas co-fired biomass units from floor	env	
CO limit arbitrary, should have work practice	ind	
Energy Assessment illegal beyond the floor	ind	
Malfunctions must be accounted for in standards	ind	
Rejection of HBEL for HCl unsupported by record	ind	
Pollutant-by-pollutant for oil & stoker coal irrational	ind	

AREA SOURCE

ACC V. EPA (11-1141)

Issue		
GACT standards must be “generally available” controls	env	
Temporary boiler exemption illegal	env	
112c6 requires MACT for oil/biomass for Hg, POM	env	
Work practices for coal not consistent with 112d	env	
Title V exemption for synthetic minors illegal	env	
Energy Assessment beyond scope, not legal standard	ind	
Malfunctions must be accounted for in standards	ind	

CISWI

AF&PA V. EPA (11-1125)

Issue		
Cant exempt or defer standards for some categories (eg burn-off ovens)	env	
Rule treats modified CISWI as existing CISWI	env	
UPL / UL does not reflect actual emission limit achieved	env	
30-day averaging for units with CEMS means lower standards	env	
EPA should have set beyond the floor standards	env	
Waste variability not included in identifying best performing SRIs	ind	
Pollutant-by-pollutant for small remote incinerators illegal	ind	
Need emissions averaging across CISWI units	ind	
EPA has authority in 129 to do work practice standards	ind	
SSM periods must be accounted for in standards	ind	
Records required to prove non-waste materials	ind	

NHSM & ORAL ARGUMENT

Supplemental rule pending for categorical NHSM: C&D wood, CTRTs, paper recycling residuals

Treated Wood Council v. EPA (14-1202) -treated wood as waste

Oral argument in NHSM May 11 2015

Oral argument in BMACT-Area-CISWI Fall 2015



BMACT 2015 RECON

Issue	Position
Startup and shutdown provisions	Support conditioned on retaining PM 1-hour variance [but is this strong enough?]
CO limits based on minimum level of 130 ppm	Support
PM CPMS	Support removal of certify requirement
Affirmative defense	Oppose removal
Compliance reporting requirements for CEMS and CPMS	Need clarification
Technical corrections & clarifications	Support various, suggest changes various

AREA SOURCE 2015 RECON

Issue	Position
Definitions of startup/shutdown	Support [but does this cause problem?]
Alternate PM standard for new oil-fired boilers using low-sulfur oil	Support
Limited-use boiler subcat and standards	Support
PM alternate compliance	Support
Hg alternate compliance	Support
Affirmative defense	Oppose removal
Technical corrections & clarifications	Support EA, etc Oppose coal definiton

CISWI 2015 RECON

Issue	Position
Definition of “CEMS data during startup and shutdown periods”	Support
Fuel variability factor for coal-burning ERUs	Support including
Affirmative defense	Oppose removal
Technical corrections & clarification	Support various

112(C)(6) PROPOSED RULE

Comments filed 2-17-15

Final rule by 5-25-15



EPA has authority to revise and properly revised 112(c)(6) list of sources contributing to 90% aggregate emissions for Hg and POM

EPA draws reasonable conclusions regarding surrogacy relationships to establish emission standards for HAP

ENVs say they will challenge rule if EPA does not change approach

MATS

Supreme Court re cost

- Oral arg 3-25-15

Final SU/SD Reconsideration

- Establishes alternative work practice standards that will require coal- and oil-fired EGUs to startup using clean fuels
- *UARG v. EPA* (DC Cir. 15-1013)

Proposed rule to remove affirmative defense provisions

- SSM coalition likely to file comments



BMACT II BRIEFING TIMELINE

