

APPENDIX E

Rule Consistency Analysis For Draft Amendments to Rule 4308

August 22, 2013

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RULE CONSISTENCY ANALYSIS FOR DRAFT RULE 4308

I. Requirements for Rule Consistency Analysis

Pursuant to Section 40727.2 of the California Health and Safety Code, prior to adopting, amending, or repealing a rule or regulation, the District performs a written analysis that identifies and compares the air pollution control elements of the rule or regulation with corresponding elements of existing or proposed District and United States Environmental Protection Agency (EPA) rules, regulations, and guidelines that apply to the same source category. The rule elements analyzed are emission limits, monitoring and testing requirements, recordkeeping and reporting requirements, and operating parameters and work practice requirements.

II. Analysis

A. District Rules

There is no other District prohibitory rule or regulation tailored specifically for boilers, steam generators, and process heaters with a rated heat input of 0.075 MMBtu/hr to less than 2.0 MMBtu/hr. Sources would be subject to District Rule 1081 (Source Sampling). The requirements of Rule 1081 are not in conflict with, nor are they inconsistent with the requirements of Draft Rule 4308.

B. Federal Rules, Regulations, and Policies

1. EPA Alternative Control Techniques (ACT) Document

EPA 453/R-94-022 (“ACT Document – NO_x Emissions from Industrial/Commercial/Institutional Boilers,” dated March 1994)¹ discusses the different control techniques for controlling NO_x emissions from boilers with heat input capacities from 0.4 to 1,500 MMBtu/hr. The ACT also presents the achievable emission levels of several control techniques based on the type of boiler and the type of fuel used and contains cost effectiveness estimates for the control techniques; however, the ACT does not recommend specific emission limits. As confirmed by the July 2010 EPA technical support document (TSD) for the approval of Rule 4308, the District rule is already as stringent as the ACT.

¹ Environmental Protection Agency [EPA]: SIP Planning Information Toolkit: Control Techniques Guidelines and Alternative Control Techniques Documents. (2012). Retrieved April 10, 2013 from <http://www.epa.gov/glo/SIPToolkit/ctgs.html>

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2. EPA Control Techniques Guideline (CTG) Document

Based on the EPA CTG list², there is no CTG for boilers, steam generators, and process heaters with a rated heat input capacity greater than or equal to 0.075 MMBtu/hr to less than 2.0 MMBtu/hr.

3. EPA New Source Performance Standard (NSPS)

Based on the NSPS list in 40 CFR 60³, there is no NSPS for boilers, steam generators, and process heaters of this size.

4. National Emission Standard for Hazardous Air Pollutants (NESHAP) and Maximum Achievable Control Technology (MACT)

Based on the NESHAP and MACT lists in 40 CFR 61 (NESHAP)⁴ and 40 CFR 63 (MACT)⁵, there is no NESHAP or MACT for boilers, steam generators, and process heaters of this size.

5. EPA Best Available Control Technology (BACT) Requirements

There are no BACT requirements listed for boilers, steam generators, and process heaters of this size range. BACT requirements are applicable to units greater than 5.0 MMBtu/hr.

6. EPA Policy on Recordkeeping

EPA has a policy that mandates stationary sources keep and maintain records for at least five years; however, as a point-of-sale rule, boilers, steam, generators, and process heaters 0.075 to less than 2.0 MMBtu/hr are not permitted sources and are thus not required to follow specific recordkeeping guidelines. Therefore, units subject to Rule 4308 are not subject to EPA's Policy on Recordkeeping.

² Environmental Protection Agency [EPA]: SIP Planning Information Toolkit: Control Techniques Guidelines and Alternative Control Techniques Documents. (2012). Retrieved April 10, 2013 from <http://www.epa.gov/glo/SIPToolkit/ctgs.html>

³ Texas Environmental Commission on Environmental Quality: 40 CFR 60-Standards of Performance for New Stationary Sources (NSPS). (2013). Retrieved April 10, 2013 from <http://www.tceq.state.tx.us/permitting/air/rules/federal/60/60hmpg.html>

⁴ Texas Environmental Commission on Environmental Quality: 40 CFR 61-National Emission Standards for Hazardous Air Pollutants (NESHAPS). (2012). Retrieved April 10, 2013 from <http://www.tceq.state.tx.us/permitting/air/rules/federal/61/61hmpg.html>

⁵ Texas Environmental Commission on Environmental Quality: 40 CFR 63-National Emission Standards for Hazardous Air Pollutants for Source Categories (a.k.a. Maximum Achievable Control Technology (MACT)). (2013). Retrieved April 10, 2013 from <http://www.tceq.state.tx.us/permitting/air/rules/federal/63/63hmpg.html>

III. Conclusion

Based on the above analysis, District staff found that the draft amendments to Rule 4308 would not conflict with any District or federal rules, regulations, or policies covering similar stationary sources.

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