

Boiler Systems Can End Up Being an “Area Source” For Certain Emissions

This notice is important to you if you operate any sort of commercial operation, or run an institution or manufacturing facility and have a smaller scale on-site boiler system. That boiler can end up being an “area source” for certain emissions specified below. If it is, your operations can be subject to new compliance requirements imposed by the U.S. EPA. Since many of these smaller boiler systems have not been subject to the rules noted below, your team may not be aware of the new requirements.

What’s an “area source”? “Area sources” under the EPA’s definition of that term, are commercial facilities (e.g. laundries, apartments, hotels), institutional facilities (e.g. schools, churches, medical centers, municipal buildings) or industrial facilities (e.g. manufacturing, refining, processing, mining) that emit, or have the potential to emit, less than ten (10) tons per year of a single [hazardous air pollutant](#), or less than 25 tons per year of combined hazardous air pollutants.

If you fit any of these categories, you should read on.

Back in December, 2012, the EPA finalized changes to the Clean Air Act standards for area source boilers (see 40 CFR 63, subpart JJJJJJ) and for major source boilers (see 40 CFR 63, subpart DDDDD). The rules vastly expand the number of facilities that have reporting and compliance obligations for their stationary boiler systems. If you have a boiler on site or in your operations, you should be aware of these compliance obligations.

If your facility operates a boiler covered by the new “area source” rule, then you have until January 20, 2014 to notify the EPA of your system, and a limited time to then bring it into compliance. Click [here](#) to find the initial notification form.

The rules apply to virtually all of the smaller boiler systems (there are over 180,000 of them in the U.S.) other than those identified below as excluded from the rule. If you think you might be covered by this requirement, it may be helpful for you to review the following [YouTube “tutorial”](#) of the new rules and kinds of facilities that are covered by this rule.

More information can be obtained via the EPA’s web page: <http://www.epa.gov/boilercompliance>



by Michael J. Van Zandt

Am I affected by the boiler rule?

You are affected if your facility is an [area source](#) and your boiler burns:

- coal (including coal refuse, petroleum coke, or synthetic fuels derived from coal)
- oil or other liquid fuel (for boilers that burn primarily gas but infrequently burn oil, see below)
- biomass
- non-waste materials

The following types of boilers are not covered by the rule:

- gas-fired boilers (a boiler that primarily burns gas is still considered a gas-fired boiler even if it also burns oil or other liquid fuel during periods of gas curtailment, gas supply interruption, startups, or for periodic testing not to exceed 48 hours during any calendar year)
- boilers that burn solid waste (these boiler are subject to incinerator standards)
- hot water heaters
- waste heat boilers (heat recovery steam generators)
- temporary boilers
- residential boilers
- electric boilers
- electric utility steam generating units (EGUs)

What does the rule require?

The following document provides a quick reference for which requirements apply to various types of boilers: [Fast Facts: Area Source Boiler Requirements \(PDF\)](#) (1 pg, 65K [about PDF](#))

For more information, please contact:

Michael J. Van Zandt, Partner
415-995-5001
mvanzandt@hansonbridgett.com