



REQUEST FOR COMMENTS

March 17, 2011

TO: INTERESTED PARTIES
FROM: EXECUTIVE OFFICER / APCO
SUBJECT: **REQUEST FOR PUBLIC COMMENTS: PROPOSED AMENDMENTS TO REGULATION 9, RULE 7: NO_x AND CO FROM INDUSTRIAL, INSTITUTIONAL AND COMMERCIAL BOILERS, STEAM GENERATORS AND PROCESS HEATERS**

Bay Area Air Quality Management District staff request public review and comments on proposed amendments to **Regulation 9: Inorganic Gaseous Pollutants, Rule 7: Nitrogen Oxides and Carbon Monoxide from Industrial, Institutional and Commercial Boilers, Steam Generators and Process Heaters**. Comments relating to the proposed amendments should be addressed to Julian Elliot, Senior Air Quality Engineer, 939 Ellis Street, San Francisco, CA 94109. Comments may also be submitted by e-mail to jelliot@baaqmd.gov. **Comments are requested by close of business, Friday, April 1, 2011.**

Background:

Regulation 9, Rule 7 limits emissions of NO_x and CO from most new and existing boilers, steam generators and process heaters rated over 2 million BTU/hr (MM/BTU/hr). This rule was last amended on July 30, 2008. The 2008 amendments:

1. Expanded the rule applicability for natural gas and LPG-fired devices so that it applies to devices rated >2 to <10 MM BTU/hr, and established NO_x and CO emission limits for these devices.
2. Established a manufacturer certification requirement for new, natural gas-fired devices rated >2 to <10 MM BTU/hr as well as a prohibition on commerce in uncertified devices, and also established operator registration requirements (including fees in Regulation 3) for new and existing, natural gas-fired devices in this size range;
3. Reduced the NO_x emission limits for gas-fired devices rated 10 MM BTU/hr and higher that were already subject to this rule; as well as for devices using other fuels rated 1 to 10 MM BTU/hr and higher that were already subject to this rule, but not subject to any NO_x or CO emission limits;
4. Established a new, low-fuel exemption criteria for most of the new rule requirements (except registration and certification requirements); and
5. Established insulation requirements, stack gas temperature limits and tune-up requirements for devices subject to the rule.

A copy of the current Regulation 9, Rule 7 is here:

<http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/Rules%20and%20Reqs/reg%2009/rq0907.ashx>.

Current Proposal:

The existing rule requires manufacturers to pre-certify new, natural gas-fired devices rated >2 to <10 MM BTU/hr for sale in the Bay Area. Devices that meet the current emissions limits of Regulation 9, Rule 7 are commercially available and being sold in other regions of California with similar or more stringent standards. However, by the deadline date of January 1, 2011, no manufacturer had certified to the BAAQMD standards for sale in the Bay Area. Because there are no manufacturer-certified devices for sale in the Bay Area, affected businesses currently cannot comply with this rule. Therefore, Bay Area Air Quality Management District staff is now proposing extensions of some of the compliance dates for devices rated >2 to <10 MM BTU/hr. These extensions and other changes are expected to allow operators to comply with this regulation. Specifically, Bay Area Air Quality Management District staff is proposing to:

1. Extend compliance dates for the NO_x and CO emission limits that were adopted in 2008 for new and existing natural gas-fired devices rated >2 to 5 million BTU/hr (MM BTU/hr) for two years, from January 1, 2011 to January 1, 2013, and for one year, from January 1, 2012 to January 1, 2013 for new and existing natural gas-fired devices rated >5 to <10 MM BTU/hr;
2. Extend the compliance date for the stack gas temperature limits that were adopted in 2008 for new and existing devices for two years, from January 1, 2011 to January 1, 2013 to be consistent with the proposed NO_x and CO compliance dates;
3. Allow additional methods to establish compliance certification for new, natural gas-fired devices rated >2 to <10 MM BTU/hr and extend the compliance date for certification for one year, from January 1, 2011 to January 1, 2012. Only pre-certified devices will be allowed to be sold or installed after this date;
4. Make minor corrections and clarifications to the rule.

Staff intends to file an addendum to the CEQA Negative Declaration of July 30, 2008.

Comments should be addressed to Julian Elliot, Senior Air Quality Engineer, 939 Ellis Street, San Francisco, CA 94109. Comments may also be submitted by e-mail to jelliot@baaqmd.gov. The proposed exemptions and clarified rule language may be requested by calling Lilia Martinez at (415) 749-4664, and are available on the District's website at:

<http://www.baaqmd.gov/Divisions/Planning-and-Research/Rule-Development/Rule-Workshops.aspx>