

volume on a dry basis corrected to 3 percent oxygen to demonstrate compliance with the work practice standards. Upon detecting an excursion or exceedance, you must restore operation of the unit to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance. Such actions may include initial inspections and evaluation, recording that operations returned to normal without operator action, or any necessary follow-up actions to return operation to below the work practice standard.

If a control device other than the ones specified in this section is used to comply with the proposed rule, you must establish site-specific operating limits and establish appropriate continuous monitoring requirements, as approved by the Administrator.

H. What Are the Notification, Recordkeeping and Reporting Requirements?

You must keep the following records:

- (1) All reports and notifications submitted to comply with the proposed rule.
- (2) Continuous monitoring data as required in the proposed rule.
- (3) Each instance in which you did not meet each emission limit and each operating limit, including periods of startup, shutdown, and malfunction (*i.e.*, deviations from the proposed rule).
- (4) Daily hours of operation by each source.
- (5) Total fuel use by each affected source electing to comply with an emission limit based on fuel analysis for each 30-day period along with a description of the fuel, the total fuel usage amounts and units of measure, and information on the supplier and original source of the fuel.

(6) Calculations and supporting information of chlorine fuel input, as required in the proposed rule.

(7) Calculations and supporting information of total selected metals and mercury fuel input, as required in the proposed rule, if applicable.

(8) A signed statement, as required in the proposed rule, indicating you burned no new fuels, no fuels from a new supplier, or no new fuel mixture or the recalculation of chlorine input to demonstrate that the new fuel, new

mixture, new source still meets chlorine fuel input levels.

(9) A signed statement, as required in the proposed rule, indicating you burned no new fuels, no fuels from a new supplier, or no new fuel mixture or the recalculation of total selected metals fuel input to demonstrate that the new fuel, new fuel mixture, or fuel from a new source still meets the total selected metals fuel input levels.

(10) A signed statement, as required in the proposed rule, indicating you burned no new fuels, no fuels from a new supplier, or no new fuel mixture or the recalculation of mercury fuel input to demonstrate that the new fuel, new fuel mixture, or fuel from a new source still meets the mercury fuel input levels.

(11) A copy of the results of all performance tests, fuel analysis, opacity observations, performance evaluations, or other compliance demonstrations conducted to demonstrate initial or continuous compliance with the proposed rule.

(12) A copy of any Federally enforceable permit that limits the annual capacity factor of the source to less than or equal to 10 percent.

(13) A copy of your site-specific startup, shutdown, and malfunction plan.

(14) A copy of your site-specific monitoring plan developed for the proposed rule, if applicable.

You must submit the following reports and notifications:

- (1) Notifications required by the General Provisions.
- (2) Initial Notification no later than 120 calendar days after you become subject to this subpart.
- (3) Notification of Intent to conduct performance tests and/or compliance demonstration at least 60 calendar days before the performance test and/or compliance demonstration is scheduled.
- (4) Notification of Compliance Status 60 calendar days following completion of the performance test and/or compliance demonstration.
- (5) Compliance reports semi-annually.

III. Rationale of the Proposed Rule

A. How Did EPA Determine Which Pollution Sources Would Be Regulated Under the Proposed Rule?

The proposed rule regulates source categories covering industrial boilers, institutional and commercial boilers, and process heaters. These source categories potentially include combustion units that are already regulated by other MACT standards. Therefore, we are excluding from today's proposed rule any units that are already or will be subject to regulation

under another MACT standard. A list of combustion units excluded from the proposed rule is discussed previously in this preamble. The CAA specifically requires that fossil fuel-fired steam generating units of more than 25 megawatts that produce electricity for sale (*i.e.*, utility boilers) be reviewed separately by EPA. Consequently, the proposed rule does not regulate fossil fuel-fired utility boilers greater than 25 megawatts, but does regulate fossil fuel-fired units less than 25 megawatts and all nonfossil fuel-fired utility boilers. The proposed rule also does not regulate emissions from combustion units with waste heat boilers, unless such units would otherwise be subject to the emission limitations in today's proposed rule. For example, emissions from any commercial or industrial solid waste incinerator (CISWI) or other incinerator unit that has a waste heat boiler will be covered by regulations promulgated under section 129 of the CAA.

During the ICCR FACA, the scope of the process heater source category was limited to regulate only indirect-fired units. Direct-fired units are covered in other MACT standards or rulemakings pertaining to industrial process operations. For example, lime kilns are covered by the Pulp and Paper NESHAP (40 CFR part 63, subpart S). Indirect-fired process heaters are similar to boilers in fuel use, emissions, and applicable controls, and, therefore, it is appropriate for EPA to combine this category of units with industrial, commercial and institutional boilers for purposes of developing emission standards.

Also during the ICCR FACA process, EPA received comments from stakeholders regarding the potential for the proposed rule to regulate small hot water heaters located at major source facilities. Many industrial facilities have office buildings located onsite which use hot water heaters. Such hot water heaters, by their design and operation, could be considered boilers. However, since hot water heaters generally are small and use natural gas as fuel, their emissions are negligible compared to the emissions from the industrial operations that make such facilities major sources, and compared to boilers that are used for industrial, commercial, or institutional purposes. Moreover, such hot water heaters are more appropriately described as residential-type boilers, not industrial, commercial or institutional boilers. Consequently, we are including a definition of hot water heaters that includes fuel, size, pressure and temperature limitations that we believe are appropriate to