



# Air Program Fact Sheet

## General Overview: Final Adjustments to the Air Toxics Standards for Industrial, Commercial, and Institutional Boilers and Process Heaters

January 2017

### Background Information

On January 31 and February 1, 2013, the U.S. Environmental Protection Agency (EPA) published a series of rules regulating hazardous air pollutants (HAPs) emitted by industrial, commercial, and institutional (ICI) boilers and process heaters and a rule regulating commercial and industrial solid waste incinerators (CISWI). These requirements are established under Section 112 of the Clean Air Act.

### General Applicability

ICI boilers and process heaters are subject to one of two rules depending on whether the facility where the boilers or process heaters operate is classified as a “major” or “area” source, which are defined as follows:

- Major Source: Facility that emits or has the potential to emit 10 tons per year (tpy) of any individual HAP or 25 tpy or more of all HAPs identified in the Clean Air Act.
- Area Source: Facility not classified as a major source.

The ICI boiler regulations do not apply to boilers that are operated by electric utilities and subject to the Mercury and Air Toxics Standards (MATS) or to boilers used for residential applications.

The CISWI rule is intended to regulate HAP emissions resulting from the combustion of solid waste materials. Therefore, a boiler combusting solid waste is subject to CISWI requirements instead of ICI boiler rules. In conjunction with the CISWI rule, the U.S. EPA has finalized the non-hazardous secondary materials rule (NHSM) which establishes whether certain fuels are solid waste and therefore subject to CISWI.

### Regulated Pollutants

The pollutants regulated by the ICI boiler and process heater and CISWI rules are mercury, toxic metals, acid gases and toxic organic compounds including furans and dioxins.

### Rule Impacts

The U.S. EPA estimates:

- 86 percent of all boilers in the U.S. will not be affected by these regulations, since they burn clean natural gas at area source facilities and are therefore exempt.
- Approximately 13 percent of U.S. boilers will rely on practical, cost-effective work practice standards to meet requirements.
- Only the highest emitting 0.4 percent of U.S. boilers will have to meet revised numeric emission limits.

In Wisconsin, the majority of boilers and process heaters subject to emission limitations are anticipated to be coal, oil and biomass-fired boilers operating at industrial facilities. There are no operating commercial or industrial incinerators in Wisconsin. The U.S. EPA has identified one electric generating utility operating boilers that will be subject to CISWI requirements if the operator continues to combust fuels considered solid waste. All operators combusting fuels other than virgin fossil fuels should evaluate their fuels to ensure that they also are not subject to CISWI requirements.

## Compliance Dates

Existing facilities have until January 31, 2016 to demonstrate compliance with major source rule requirements and until March 21, 2014 to comply with area source rule requirements. Area sources must also submit an Initial Notification form by January 20, 2014.

## For More Information:

- EPA's webpage on Emissions Standards for Boilers and Process Heaters and Commercial/Industrial Solid Waste Incinerators at <https://www.epa.gov/boilers>.
- Other resources are available at the Small Business Environmental Assistance Program's (SBEAP) Boilers and burning fuels web page: <http://dnr.wi.gov/topic/SmallBusiness/Resources/BoilersFuels.html>.
- Contact the SBEAP at [DNRSMB@wisconsin.gov](mailto:DNRSMB@wisconsin.gov) or 1-855-889-3021.

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## WISCONSIN DEPARTMENT OF NATURAL RESOURCES NOTICE OF FINAL GUIDANCE & CERTIFICATION

*Pursuant to ch. 227, Wis. Stats., the Wisconsin Department of Natural Resources has finalized and hereby certifies the following guidance document.*

### DOCUMENT ID

AM-19-0067

### DOCUMENT TITLE

Fact Sheet on Toxics Requirements for ICI Boilers

### PROGRAM/BUREAU

Air Management

### STATUTORY AUTHORITY OR LEGAL CITATION

Section 285.27, Wisconsin Statutes

### DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

December 9, 2019

### DATE FINALIZED

January 13, 2020

No comments were received during the comment period 09DEC2019 to 30DEC2019

### DNR CERTIFICATION

*I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.*

January 2, 2020

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Signature

Date