

NEWS BULLETIN

Maine Automobile Dealers Association

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2011-15

EPA NOTIFICATION OF RULE REGARDING BOILERS

The U.S. Environmental Protection Agency (EPA) adopted regulations in March 2011 that apply to most of our members. The Bureau of Air Quality at the Maine Department of Environmental Protection (DEP) has forwarded MADA the appropriate information to make sure our members are aware of these changes and how to comply with them. DEP has prepared a summary of the new regulations and assistance resources.

Summary

On March 21, 2011 the Environmental Protection Agency (EPA) finalized the National Emission Standards for Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers (aka Area Source Boiler Rule). The new rule applies to all boilers at industrial, institutional, and commercial locations that burn oil, coal, or biomass regardless of boiler size or the size of the business. Boilers (which can be furnaces with water base-board heating systems) located at real estate offices, hotels, schools, banks, nursing homes, hospitals, restaurants, beauty salons, etc. will all be affected by this regulation. Waste Oil burners are subject to this rule. Natural gas and propane fired boilers are **not** subject to this rule.

The new rule requires owners to conduct tune ups of their boilers every two years, submit reports to EPA and maintain certain records. Required reports include an initial notification due on September 17, 2011, and a notification of compliance status due on July 19, 2012. Boilers installed before June 4, 2010 need to conduct a tune up by March 21, 2012 and every two years thereafter. Boilers installed after June 4, 2010 need to meet all requirements upon start-up and may have additional requirements. There are additional requirements for boilers 10 MMBtu/hr and larger including an energy assessment and additional reporting.

Attached please find some explanatory material and the notification form. This notification must be sent directly to EPA at:

Attn: Air Clerk
U.S. Environmental Protection Agency
Mail Code: OES04-2
5 Post Office Square, Suite 100
Boston, MA 02109-3912

For more information on this regulation including notification forms, visit the following websites: EPA's website at <http://www.epa.gov/region1/boilers/> or Maine's website at: <http://www.maine.gov/dep/air/toxics/areablrmact.htm>

Feel free to call EPA Region 1 at 617-918-8805 or email: RlBoilerHelp@EPA.gov or Lisa Higgins at (207) 287-7023 or email: lisa.higgins@maine.gov, if you have any questions about this federal regulation.

NATIONAL LABOR RELATIONS BOARD POSTER

The National Labor Relations Board (NLRB) has issued a new mandate requiring all businesses covered by the National Labor Relations Act - including dealerships - to post a notice informing employees of their rights under the Act. The poster will be provided by MADA to members at this Fall's MADA Regional meetings in early November. Dealerships have until November 14, 2011, to post the notice in a place where federal labor law posters are normally displayed. Dealerships that also post such notices on an employee webpage must display the new NLRB notice there as well. Note that a failure to display the poster likely will be deemed an unfair labor practice by the NLRB.

DATES FOR FALL MADA REGIONAL MEETINGS

The tentative schedule for our 2011 Regional Meetings is November 2 (noon) in Presque Isle, November 3 (8:30 a.m.) in Bangor, November 7 (noon) in Augusta and (3:30 p.m.) in Portland. Detailed information will be sent in future communications.

AUTOMOBILE RENTALS AND SALES TAX

A short-term automobile rental to a service customer of a new vehicle dealer will be exempt beginning October 1, 2011 provided the rental is pursuant to a manufacturer's or new vehicle dealer's warranty and the rental fee is paid by the new vehicle dealer or warrantor. Currently, a new vehicle dealer with a fleet of loaner vehicles is exempt both on the purchase and use of the loaner vehicle when used for the purpose stated above, but if a dealer utilized the services of an automobile rental company, the rentals were taxable. This change provides the same benefit regardless of the source of the rental vehicle. If you are a new vehicle dealer, you will need to provide to your auto rental company an affidavit to confirm that the rental meets the requirements of the exemption. An affidavit will be available on or near October 1, 2011 and can be found at <http://www.maine.gov/revenue/forms/sales/salesforms.htm>.

NADA U LAUNCHES DRIVE TO HELP MEMBERS SIGN IN AND SIGN UP

Not all NADA and ATD members have activated their free NADA University accounts to access membership benefits like *Driven* management guides, online courses and MarketINSIGHT webinars. So NADA U is initiating a campaign to help members sign in, sign up all your employees and take a quick personal tour. The effort includes a calling campaign, direct mail and a new how-to video. NADA U also is offering a special incentive: members who call 800 557-6232 to participate in a telephone demo will receive a NADA online course of their choice free (a \$199 value).

Initial Notification of Applicability

National Emission Standards for Hazardous Air Pollutants:
Industrial, Commercial, and Institutional Boilers Area Sources

40 CFR Part 63 Subpart JJJJJJ

Example Form

This form contains the information that must be submitted to fulfill the Initial Notification requirement of 40 CFR part 63, subpart JJJJJJ. You may use this form to submit the information or you may submit the information in another form or format.

What is the purpose of this form?

You may use this form to meet the requirements for submitting an initial notification under National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers Area Sources (40 CFR Part 63, Subpart JJJJJJ). However, you may submit the information in another form or format.

Am I required to submit an Initial Notification?

You must submit an Initial Notification if you are subject to the Area Source Boilers NESHAP.

Major source means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants¹, unless the Administrator establishes a lesser quantity, or in the case of radionuclides, different criteria from those specified in this sentence (§63.2).

Area source means any stationary source of hazardous air pollutants¹ that is not a major source (§63.2).

Am I subject to the Boilers Area Source NESHAP?

You are subject to the Area Source Boilers NESHAP if you own or operate an industrial, commercial, or institutional boiler that is located at, or is part of, an area source of hazardous air pollutants (HAP). A list of the regulated hazardous air pollutants can be found at <http://www.epa.gov/ttnatw01/orig189.html>.

Boiler means an enclosed device using controlled flame combustion in which water is heated to recover thermal energy in the form of steam or hot water. Controlled flame combustion refers to a steady-state, or near steady-state, process wherein fuel and/or oxidizer feed rates are controlled (§63.11237).

- *Commercial boiler* means a boiler used in commercial establishments such as hotels, restaurants, and laundries to provide electricity, steam, and/or hot water.

- *Industrial boiler* means a boiler used in manufacturing, processing, mining, and refining or any other industry to provide steam, hot water, and/or electricity.
- *Institutional boiler* means a boiler used in institutional establishments such as medical centers, research centers, and institutions of higher education to provide electricity, steam, and/or hot water.

Which boilers are not subject to the Area Source Boilers NESHAP rule (63.11195)?

- (1) *Gas-fired boiler*. If your boiler burns gaseous fuels (e.g., natural gas, process gas, landfill gas, coal-derived gas, refinery gas, hydrogen, or biogas) not combined with any solid fuels, or if your unit burns liquid fuel only during periods of gas curtailment, gas supply emergencies, or periodic testing it is a gas-fired boiler. Periodic testing of liquid fuel shall not exceed a combined total of 48 hours during any calendar year in order to maintain your status as a gas-fired boiler (see §63.11237 Definitions and §63.11195(e)).
- (2) *Hot water heater*. If you have a closed vessel with a capacity of no more than 120 U.S. gallons in which water is heated by combustion of gaseous or liquid fuel and is withdrawn for use external to the vessel at pressures not exceeding 160 pound-force per square inch gauge (psig), including the apparatus by which the heat is generated and all controls and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit (99 degrees Celsius). For example, many hot water heaters at an affected source that are used to heat bathroom or dishwashing water have capacities no more than 120 U.S. gallons and meet the pressure requirements of this exemption (see §63.11237 Definitions and §63.11195(f)).
- (3) *Waste heat boiler* means a device that recovers normally unused energy and converts it to usable heat. Waste heat boilers are also referred to as heat recovery steam generators. (see §63.11237 Definitions)
- (4) *Boilers subject to other NESHAP standards*. If your boiler is specifically listed as, or included in the definition of, an affected source in another standard(s) under part 63 (see §63.11195(a)).
- (5) *Boilers that are used as control devices for other NESHAP standards*. If your boiler is used as a control device for another process that is subject to part 63 and at least 50 percent of the heat input to the boiler is provided by the gas stream that is regulated under another subpart the boiler is exempt from this rule (see §63.11195(g)).
- (6) *Research and Development boilers*. If your boiler is used specifically for research and development it is exempt; for example, many universities or boiler manufacturers may have test boilers to develop new designs or combustion modifications. This exemption does not include boilers that solely or primarily provide steam (or heat) to a process or for heating at a research and development facility. This exemption does not prohibit the use of the steam (or heat) generated from the boiler during research and development, however, the boiler must be concurrently and primarily engaged in research and development for the exemption to apply (see §63.11195(d)).

(7) *Boilers subject to section 129 of the Clean Air Act.* If your boiler is specifically listed as an affected source in another standard(s) under section 129 (e.g., Hospital/Infectious Medical Waste Incinerators, Commercial/Industrial Solid Waste Incinerators, Sewage Sludge Incinerators) you are subject to a section 129 rule instead of this rule (see §63.11195(b)).

(8) *Hazardous Waste Boilers.* If your boiler is required to have a permit under section 3005 of the Solid Waste Disposal Act or if your boiler is covered by 40 CFR part 63 subpart EEE you are a hazardous waste boiler (see §63.11195(c)).

When must I submit an Initial Notification (§63.9(b)(2))?

Existing sources: No later than September 17, 2011.

New sources: No later than September 17, 2011, or within 120 days after startup of a new source, whichever is later.

Is my source a new or existing source (§63.11194)?

New source means that you commenced construction or reconstruction of the boiler after June 4, 2010 and you meet the applicability criteria at the time you commence construction.

Existing source means you commenced construction or reconstruction of the boiler on or before June 4, 2010.

What are my compliance dates (§63.11196)?

Existing Sources:

- Existing sources subject to a tune-up work practice or management practice standard must demonstrate compliance no later than March 21, 2012.
- Existing sources subject to an emission limit must demonstrate compliance with the emission limits no later than March 21, 2014.
- Existing sources subject to the energy assessment requirement must complete the energy assessment no later than March 21, 2014.

New sources:

- New sources must demonstrate compliance with all requirements of the rule upon startup of the affected source, or May 20, 2011 whichever is later.

Example Initial Notification Report

National Emission Standards for Hazardous Air Pollutants for
Industrial, Commercial, and Institutional Boilers Area Sources

SECTION I : GENERAL INFORMATION

Operating Permit Number (IF AVAILABLE)^a

Facility ID Number (IF AVAILABLE)^b

Responsible Official's Name

Title

Street Address

City

State

ZIP Code

^a (e.g., Title V permit number)

^b (e.g., Air Facility System (AFS) facility ID)

Facility Name

Facility Street Address (if different than Responsible Official's Street Address listed above)

Street Address

City

State

ZIP Code

Facility Local Contact Name

Title

Anticipated Compliance Date(s) (mm/dd/yy) (§63.9(b)(2)(iii))^c: _____

^c See instructions on pg. 3 of this form to determine the compliance dates applicable to you.

40 CFR Part 63 Subpart JJJJJJ

SECTION II: SOURCE DESCRIPTION

1. Please complete the table below for each affected source (boiler and/or process heaters) per §63.9(b)(2)(iv).

Emission Unit ID ^d	Emission Unit Name (design and manufacturer name)	Size: Rated Heat Input Capacity (mmBtu/hr) ^e	Fuels Used ^f

[Add rows to the table for additional boilers, as necessary.]

^d If the source has an operating permit, use the IDs that are consistent with those reported in the permit.

^e mmBtu/hr refers to million British thermal units per hour. Boilers often have a nameplate listing the rated heat input capacity on the unit. This rated capacity may have also been reported to the entity insuring the boiler or the state labor and safety inspector.

^f Report all fuels used in each of the units subject to the standard (e.g., bituminous coal, #6 fuel oil, #2 fuel oil, natural gas, bark, lumber, etc.).

3. Optional: Additional notes

4. My facility is a (please choose one): Major source Area source of hazardous air pollutants.

If your facility is a major source of hazardous air pollutants (HAP), please refer to the National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters, 40 CFR Part 63 Subpart DDDDD at <http://www.epa.gov/ttn/atw/boiler/boilerpg.html>.

40 CFR Part 63 Subpart JJJJJJ

SECTION III: CERTIFICATION

I hereby certify that the information presented herein is correct to the best of my knowledge.

Signature

Date

Name/title

(_____)_____
Telephone Number

To whom do I submit the initial notification?

- a. If your State has been delegated the authority for this regulation under section 112(l) of the Clean Air Act⁹, submit the notification to your State agency found at the following link:
http://www.epa.gov/ttn/atw/area/table_state_contacts.doc

If your state/local contact is not listed at the above link, use this link:
<http://www.4cleanair.org/contactUsaLevel.asp>

- b. If your state has not been delegated the authority for this rule, submit the notification to the appropriate EPA Regional Office, from list below:

EPA Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont)

US Environmental Protection Agency
5 Post Office Square, Suite 100, Mail code: OES04-2,
Boston MA 02109-3912 Attention: Air Clerk

EPA Region II (New Jersey, New York, Puerto Rico, Virgin Islands)

Director, Division of Enforcement and Compliance Assistance
290 Broadway, New York, NY 10007-1866

EPA Region III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia)

Director, Air Protection Division, 1650 Arch Street, Philadelphia, PA 19103

EPA Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)

Director, Air, Pesticides and Toxics Management Division
Atlanta Federal Center, 61 Forsyth Street, Atlanta, GA 30303-3104

EPA Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)

Director, Air and Radiation Division, 77 West Jackson Blvd., Chicago, IL 60604-3507

EPA Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas)

Director, Air, Pesticides and Toxics, 1445 Ross Avenue, Dallas, TX 75202-2733

EPA Region VII (Iowa, Kansas, Missouri, Nebraska)

Director, Air and Waste Management Division, U.S. Environmental Protection Agency
901 N. 5th Street, Kansas City, KS 66101

EPA Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)

Director, Air and Toxics Technical Enforcement Program, Office of Enforcement, Compliance and Environmental Justice, 1595 Wynkoop Street, Denver, CO 80202-1129

EPA Region IX (Arizona, California, Hawaii, Nevada, American Samoa, Guam)

Director, Air and Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105

EPA Region X (Alaska, Idaho, Oregon, Washington)

Director, Office of Air, Waste and Toxics, 1200 6th Ave., Suite 900, AWT-107, Seattle, WA 98101

⁹ To determine whether your State has been delegated the authority for this regulation under section 112(l) of the Clean Air Act, contact your EPA Regional Office.