



**Architect of the Capitol**

U.S. Capitol, Room SB-16  
Washington, DC 20515  
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[www.aoc.gov](http://www.aoc.gov)

February 21, 2025

Mr. Joseph Jakuta  
Interim Associate Director, Air Quality Division  
Department of Energy & Environment  
1200 First Street, NE, Fifth Floor  
Washington, DC 20002

RE: NO<sub>x</sub> RACT Tuning Deadline

Dear Mr. Jakuta:

On behalf of the Architect of the Capitol (AOC), I appreciate the opportunity to provide comments on the proposed rulemaking “Amendments to Tuning Deadline for Reasonably Available Control Technology Addressing Nitrogen Oxides from Major Stationary Sources.”

I also want to reiterate that the AOC is a committed environmental steward and has voluntarily reduced air emissions and increased energy efficiency over the past decade. The Department of Energy & Environment (DOEE) has been a valuable partner as the AOC has taken these steps.

We have carefully reviewed the amendments to the boiler tuning deadline as proposed on January 24, 2025, and have concerns about how this will impact the Capitol Power Plant’s operations. Our comments are detailed in the attachment to this letter.

The AOC greatly appreciates DOEE’s consideration of these comments on the proposed rule. If you have any questions or require additional information, please feel free to contact Francie Altermatt at 202.579.8633.

Sincerely,

Charles Iliff, PE  
Director, Office of Safety and Code Compliance  
Architect of the Capitol

Enclosure

## Attachment 1

Public Comments: Amendment to Tuning Deadline for Reasonably Available Control Technology Addressing Nitrogen Oxides from Major Stationary Sources  
January 24, 2025

### **Introduction**

Currently, 20 District of Columbia Municipal Regulations (DCMR) § 805.5(b) requires boiler owners to tune the combustion process of all large industrial boilers prior to November 1 of each year. On January 24, 2025, D.C. Department of Energy and Environment (DOEE) proposed to remove the annual November 1 deadline and instead require that all tuning be performed within a specific window of time between October 1 and December 31.

The DOEE Notice of Proposed Rulemaking states that “[t]he amended timeframe will provide flexibility”; However, the requirement to perform all tuning between October 1 and December 31 offers significantly less flexibility.

This regulation is applicable to all emission units at the Capitol Power Plant (CPP) and would pose a significant challenge if finalized as proposed.

**Comment #1 – This proposed change makes the tuning requirement more restrictive and does not consider that some subject emission units may not normally operate within the winter heating timeframe.**

CPP has six emission units of varying sizes and some of the emission units are used more in the summer months than in the winter months. Revising the annual tuning requirement to require that all units be tuned between October 1 and December 31 would mean that some units would need to be tuned after their main operating season rather than before their main operating season. Additionally, emission units that operate mainly in the summer months should be tuned just before the summer months, which are often referred to as “ozone season” due to the increased ozone formation during this time.

DOEE should not implement the October 1 to December 31 tuning timeframe so that all emission units can be tuned prior to their main operating seasons.

**Comment #2 – Although DOEE notes that this rulemaking is to address concerns about weather, the proposed change does not adequately address that concern.**

The DOEE Notice of Proposed Rulemaking states “DOEE received comments from regulated facilities that, due to warmer temperatures in recent years during the fall and early winter, sources are unable to reach the heating load needed to perform complete combustion adjustments before the current November 1 deadline.” While CPP agrees that this can be an issue, the proposed regulation does not solve the problem.

The proposed tuning timeframe of October 1 to December 31 is still fall and early winter. To properly and effectively tune boilers, the boilers need to operate over their full range of operating steam loads which are often not needed until January. Forcing facilities to tune their boilers during a timeframe of lower steam load will require venting of excess steam, resulting in unnecessary fuel use, unnecessary fuel cost, and unnecessary boiler emissions.

CPP typically tunes boilers in January or February, which is the start of the true heating season for the winter units and is closer to the start of spring operation for the summer units. The high steam load during January and February allows CPP to reach full operating loads without venting steam. If CPP is required to tune all units between October 1 and December 31, facility emissions will increase due to steam venting.

DOEE should not implement the October 1 to December 31 tuning timeframe so that all emission units can be tuned at higher loads without creating unnecessary emissions.

**Comment #3 – The proposed change will limit availability of properly trained contractors to provide support within the restricted tuning window.**

To ensure proper and effective boiler tuning, it is important to find experienced and trained contractors. Limiting the timeframe for all tuning activities to occur within a three-month window will result in a lack of contractor availability and will result in a loss of boiler tuning expertise and support.

**Comment #4 – The proposed tuning timeframe requirement is overly restrictive compared to other jurisdictions.**

In addition to operational concerns, the proposed three-month tuning window is overly restrictive when compared to other jurisdictions' tuning requirements.

The Federal boiler tuning requirements allow each facility to set a tuning schedule. For example, under the Area Source Boiler Maximum Achievable Control Technology Standard (Boiler MACT)<sup>1</sup>, combustion adjustments are required to be conducted every two or five years, depending on the boiler. Tune-ups may be conducted any time during the year if they are no more than 25 or 61 months after the prior tune-up, respectively.

Maryland, New Jersey, Delaware, and New York all have an annual tuning requirement with no further timeframe restrictions and Pennsylvania has a biennial tuning requirement with no timeframe restriction.

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<sup>1</sup> Area Source Boiler MACT is codified in 40 CFR 63, Subpart JJJJJ. Refer to 40 CFR 63.11223 for tuning requirements.

## **Conclusion and Recommendations**

CPP recognizes that DOEE is trying to address the concerns of other facilities in this rulemaking by extending the tuning deadline to December 31; However, DOEE did not consult with other stakeholders who were complying with the existing regulation, and they inadvertently proposed a much more restrictive regulation for all sources in the District. By adding the start date to the tuning requirement, flexibility has been reduced and could result in increased emissions, less effective tuning, and potential issues with finding experienced contractors.

The October 1 start date is unnecessary and assumes all equipment has the same operating schedule. In the notice of proposed rulemaking, DOEE does not provide justification for limiting tuning to three months of the year. The existing requirement in 20 DCMR 805.9(b) for each tune-up to be conducted within 13 months of the prior tune-up is sufficient to ensure boilers are being tuned within a reasonable time since the prior tune-up. CPP believes that the regulation should be kept the same or should be changed to require annual tuning by December 31 without the October 1 to December 31 timeframe.