

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF PROPOSED RULEMAKING**Amendments to Tuning Deadline for Reasonably Available Control Technology
Addressing Nitrogen Oxides from Major Stationary Sources**

The Director of the Department of Energy and Environment (“DOEE”), in accordance with the authority set forth in Sections 5 and 6 of the District of Columbia Air Pollution Control Act of 1984 (the “Air Pollution Control Act”), effective March 15, 1985 (D.C. Law 5-165; D.C. Official Code §§ 8-101.05 and 8-101.06); Section 107(4) of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.07(4)); and Mayor’s Order 2006-61, dated June 14, 2006, hereby gives notice of his intent to adopt the following amendments to Chapter 8 (Air Quality - Asbestos, Sulfur, Nitrogen Oxides, Lead, and Carbon Dioxide) of Title 20 (Environment) of the District of Columbia Municipal Regulations (“DCMR”) in no less than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*.

Directions for submitting comments may be found at the end of this notice.

Background and Purpose

DOEE proposes to amend 20 DCMR Chapter 8 to extend the deadline for tuning the combustion process for fuel burning equipment with a heat input capacity of five (5) million British thermal units (BTU) per hour or greater. Currently, 20 DCMR § 805.5(b) requires owners or operators of this equipment to adjust the combustion process prior to November 1 of each year. This provision was intended to have fuel burning equipment, primarily boilers used for heating during the winter months, to undergo adjustments (“tune-ups”) that minimize the emission of nitrogen oxides, also known as NO_x, before the beginning of the heating season. 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.

Amendments

DOEE proposes to amend 20 DCMR § 805.5(b) to allow tune-ups to occur each year from October 1 until December 31 beginning in 2025. The amended timeframe will provide flexibility for sources to make combustion adjustments while continuing to ensure that emission reductions occur during the months with the highest heating demand.

This rulemaking will be submitted as an amendment to the District’s State Implementation Plan after it is issued as a final rulemaking. Pursuant to Section 110(l) of the Clean Air Act (42 U.S.C. § 7410(l)), DOEE finds that the deadline adjustment meets the EPA’s requirements and does not constitute backsliding.

In addition, DOEE proposes two technical amendments. First, DOEE proposes to amend § 805.5(f)(3)(B) by replacing the period at the end with “; and”. Second, DOEE proposes to repeal § 805.5(g) because the paragraph is no longer applicable.

Chapter 8, AIR QUALITY — ASBESTOS, SULFUR, NITROGEN OXIDES, LEAD, AND CARBON DIOXIDE, of Title 20 DCMR, ENVIRONMENT, is amended as follows:

Section 805, REASONABLY AVAILABLE CONTROL TECHNOLOGY FOR MAJOR STATIONARY SOURCES OF THE OXIDES OF NITROGEN, is amended as follows:

Subsection 805.5 is amended as follows:

Paragraph (b) is amended to read as follows:

- (b) Beginning January 1, 2022, any fuel burning equipment with a heat input capacity of five million (5,000,000) BTU per hour or greater shall adjust the combustion process in accordance with the procedure and timeline for doing so set forth at § 805.9 and the following schedule:
 - (1) For calendar year 2022 through calendar year 2024, prior to November 1 of that year; and
 - (2) For the calendar year 2025 and subsequent calendar years, between October 1 and December 31 of that year;

Subparagraph (f)(3)(B) is amended to read as follows:

(B) record keeping as specified in § 805.11; and

Paragraph (g) is repealed.

Parties wishing to provide comments on this proposed rulemaking or its submission as an amendment to the District’s SIP must submit their comments in writing within thirty (30) days after publication of this notice in the *District of Columbia Register* to Mr. Joseph Jakuta by email at airqualityregulations@dc.gov or by mail or hand delivery to the following address:

DOEE Air Quality Division
ATTN: Joseph Jakuta: NOX RACT Tuning Deadline
1200 First Street NE, Fifth Floor
Washington, DC 20002

Interested parties may also request a public hearing concerning submitting this as an amendment to the District’s SIP to the above address or email within thirty (30) days after the publication of this notice in the *District of Columbia Register*. If a request for a public hearing is received too

late to hold a hearing during the public comment period, the comment period will be extended through publication of a subsequent notice.