



NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
Air Quality Division

**AREA SOURCE BOILERS NESHAP
COMPLIANCE STATUS NOTIFICATION FORM
ENERGY ASSESSMENT REQUIREMENT**

Applicable Rule: 40 CFR Part 63, Subpart JJJJJJ - National Emission Standards for Hazardous Air Pollutants (NESHAP) for Area Sources - Commercial, Industrial, & Institutional Boilers - Promulgated February 1, 2013

Complete this form if you are an **area source of hazardous air pollutants** and operate a commercial, industrial, or institutional boiler fueled by coal, oil, or biomass AND you are subject to the energy assessment requirements. See the instructions attached to this form for more information.

If your boiler is **NOT** required to conduct an energy assessment:



Do not use this form. There is a separate Notification of Compliance status form(s) that applies to you. The forms can be found on the NDEQ Air Toxics Notebook at <http://deq.ne.gov/AirToxic.nsf/pages/JJJJJJ>.

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://deq.ne.gov/AirToxic.nsf/pages/DDDDD>.

Company Name: _____

Facility ID#: _____

Owner/Operator/Title: _____

Mailing Address: _____

City: _____

Zip: _____

Plant Address (if different than owner/operator's mailing address):

Street: _____

City: _____

Zip: _____

Plant Phone Number: _____

Plant Contact/Title: _____

This form must be completed, signed and submitted to the following agencies. Existing sources must submit the form by July 19, 2014. New sources do not have to perform an energy assessment.

NDEQ Air Quality Division
1200 'N' St. Atrium, Suite 400
Lincoln, NE 68509-8922

and

Region VII EPA – Air & Waste Management
11201 Renner Blvd
Lenexa, KS 66219

If your facility is located in Omaha or Lancaster County, you must submit a notification to the appropriate local air pollution control agency and Region VII EPA.

Compliance Status and Certification

Please check all of the following that apply to your facility:

- If you have an existing boiler subject to an energy assessment, the facility has had an energy assessment performed according to [§63.11214\(c\)](#).¹
- I certify that my facility has complied with all the relevant standards and other requirements of 40 CFR Part 63, Subpart JJJJJJ.

CERTIFICATION

Print or type the name and title of the Responsible Official* for the facility:

Name: _____

Title: _____

I CERTIFY THAT INFORMATION CONTAINED IN THIS REPORT IS ACCURATE AND TRUE TO THE BEST OF MY KNOWLEDGE.

(Signature of Responsible Official)*

(Date)

*A "Responsible Official" can be:

- The president, vice president, secretary, or treasurer of the company that owns the plant;
- An owner of the plant;
- A plant engineer or supervisor of the plant;
- A government official, if the plant is owned by the Federal, State, City, or County government; or
- A ranking military officer, if the plant is located at a military base.

¹ The duration and components of the energy assessment are defined in [§63.11237](#) and Table 2 to 40 CFR part 63 subpart JJJJJJ. If the facility completed an energy assessment on or after January 1, 2008 and that energy assessment meets the requirements in [§63.11237](#) and Table 2 to 40 CFR part 63 subpart JJJJJJ, then you have satisfied the requirements for the energy assessment and you do not have to conduct a new assessment.

NESHAP Subpart JJJJJJ – Compliance Status Notification Form – Energy Assessment Requirement Instructions

What is the purpose of this form?

You may use this form to meet the requirements for submitting a compliance status notification for the energy assessment requirement under National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers Area Sources (40 CFR Part 63, Subpart JJJJJJ). However, this form is not required. You may submit the information in another form or format.

Completing this form **only** fulfills the notification of compliance status requirements for the **energy assessment**. If you have **existing boilers subject to both an energy assessment AND emission limits**, you may use the *Compliance Status Notification Form - Emission Limits* to fulfill the energy assessment compliance status notification requirements. The *Compliance Status Notification Form - Emission Limits* is designed to demonstrate compliance with the emission limits, but it also contains a checkbox to verify that you have completed the energy assessment. The document is located at <http://deq.ne.gov/AirToxic.nsf/pages/JJJJJJ> under “Forms.” The emission limit notification must be submitted within 60 days of completing the performance stack test. However, the notification of compliance status **for the energy assessment is due July 19, 2014**.

If you have existing boilers subject to an energy assessment and tune-up, in addition to this notification of compliance status form, you must also submit a separate notification of compliance status form to demonstrate compliance with the tune-up requirements. This form does not need to be submitted if you meet all of the following criteria:

- a. Have completed an energy assessment on or after January 1, 2008;
- b. The energy assessment meets the requirements specified in Table 2 of 40 CFR Part 63 Subpart JJJJJJ; and
- c. You submitted the *Compliance Status Notification - Tune-up Requirement* and certified completion of the energy assessment.

The tune-up notification form can be found at <http://deq.ne.gov/AirToxic.nsf/pages/JJJJJJ> under “Forms.”

Am I required to submit this Compliance Status Notification Form?

You must submit this compliance status notification if you are:

1. an area source**;
2. subject to the Area Source Boilers NESHAP; and
3. required to conduct an energy assessment.

Only existing sources are subject to the energy assessment requirement. New sources do not have to conduct the energy assessment.

** *Major source*: a stationary source or group of stationary sources that emits or has the potential to emit 10 tons per year or more of any hazardous air pollutant (HAP) or 25 tons per year or more of any combination of HAP (§63.2).

Area source: a stationary source of HAP that is not a major source (§63.2).

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

New source: The construction or reconstruction of the boiler commenced after June 4, 2010 and the boiler(s) meet the applicability criteria at the time construction commences.

Am I subject to the Area Source Boilers 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 HAP that is fueled by coal, biomass, or oil.

- *Boiler*: 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*: a boiler used in commercial establishments, such as hotels, restaurants, and laundries, to provide electricity, steam, and/or hot water.
- *Industrial boiler*: a boiler used in manufacturing, processing, mining, refining, or any other industry to provide steam, hot water, and/or electricity.
- *Institutional boiler*: 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.

Boilers **not** subject to the Area Source Boilers NESHAP rule include: gas-fired boilers; hot water heaters; waste heat boilers; boilers subject to other NESHAP standards; boilers used as control devices for other NESHAP standards; boilers used for research and development; and boilers burning solid or hazardous waste. See [§63.11195](#) for more information.

When must I submit the Compliance Status Notification ([§63.11225\(a\)\(4\)](#))?

Existing sources: No later than July 19, 2014.
New sources: Not required to complete the energy assessment.

To whom do I submit the Compliance Status Notification?

NDEQ Air Quality Division 1200 'N' St. Atrium, Suite 400 Lincoln, NE 68509-8922	and	Region VII EPA – Air & Waste Management 11201 Renner Blvd Lenexa, KS 66219
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If your facility is located in Omaha or Lancaster County, you must submit a notification to the appropriate air pollution control agency in that area and Region VII EPA.

What are my compliance dates ([§63.11196](#))?

Existing Sources:

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

New sources:

- New sources must be in compliance with all requirements of the rule by May 20, 2011 or upon startup of the affected source, whichever is later. New sources are not required to conduct an energy assessment.

Where can I find more information?

The NDEQ Air Toxics Notebook located at <http://deq.ne.gov/AirToxic.nsf/pages/JJJJJJ> contains the electronic Code of Federal Regulations link for the rule citations, federal register documents, guidance documents, training materials, and other helpful information.

You can also find the page by going to the NDEQ website and selecting “Focus on Air.” The Air Toxics Notebook is under the Air Toxics Program. From the Notebook, select Subpart JJJJJJ – Boilers – Area Sources. EPA’s website for boilers can be found at www.epa.gov/ttn/atw/boiler/boilerpg.html. You may contact the NDEQ Air Toxics Coordinator at (402) 471-2189 or NDEQ.AirQuality@nebraska.gov if you have additional questions.