

February 15, 2023

Robert Wood
Utah Division of Air Quality
P.O. Box 144820
Salt Lake City, Utah 84114-4829

Submitted by email to rwood@utah.gov and rbares@utah.gov:

Re: Comments on the Utah Division of Air Quality's Proposed Rulemaking for Natural Gas-Fired Boilers; R307-315 & R307-316

Dear Mr. Wood,

Kennecott Utah Copper LLC (RTK) appreciates the opportunity to submit comments to the Utah Division of Air Quality's (UDAQ's) proposed Rulemaking for Natural Gas-Fired Boilers (Boiler Rule). Furthermore, RTK thanks UDAQ for its participation on the January 18, 2023, conference call to discuss the proposed rule. As discussed on the call, RTK is submitting the following comments on the proposed Boiler Rule.

Comment 1:

The proposed Boiler Rule states that, "Install a burner that is certified to meet a NOx emission rate of nine parts per million by 25 volume (ppmv) or less at 3% volume stack gas oxygen on a dry basis averaged over a 24-hour period."¹

Consistent with R307-315-4(4), RTK intends to comply with this requirement for saturated steam boilers through manufacturers' specification sheets and emission guarantees. But vendor-provided emission guarantees do not include averaging periods for small boilers, rendering RTK's compliance with the averaging requirement infeasible. As commonly known, stack testing small boilers would be cost prohibitive and inconsistent with the spirit of the proposed rule, R307-315.

Given these facts, RTK requests that UDAQ remove the listed averaging period from its compliance requirements in R307-315-4(2).

Comment 2:

¹ R307-315-4(2).

The proposed Boiler Rule states that, “Install a burner that is certified to meet a NOx emission rate of nine parts per million by 25 volume (ppmv) or less at 3% volume stack gas oxygen on a dry basis averaged over a 24-hour period.”²

Consistent with R307-316-4(4), RTK intends to comply with this requirement for saturated steam boilers through manufacturers’ specification sheets and emission guarantees. But vendor-provided emission guarantees do not include averaging periods for small boilers, rendering RTK’s compliance with the averaging requirement infeasible. As commonly known, stack testing small boilers would be cost prohibitive and inconsistent with the spirit of the proposed rule, R307-316.

Given these facts, RTK requests that UDAQ remove the listed averaging period from its compliance requirements in this Boiler Rule.

If UDAQ proceeds with the proposed rule, RTK requests that R307-316-4(2) read (with deleted language in red strikeout and added language in blue):

For boilers less than 40 mmBtu/hr heat rating: Install a burner that is certified to meet a NOx emission rate of nine parts per million by 25 volume (ppmv) or less at 3% volume stack gas oxygen on a dry basis ~~averaged over a 24-hour period to be demonstrated with manufacturers documentation.~~

For boilers over 40 mmBtu/hr heat rating: Install a burner that is certified to meet a NOx emission rate of nine parts per million by 25 volume (ppmv) or less at 3% volume stack gas oxygen on a dry basis to be demonstrated according to Subsection R307-316-4(5).

Comment 3:

The proposed Boiler Rule states that, “The compliance schedule for this rule shall begin on May 1, 2023.” RTK is requesting clarification and definition around the applicability of this timeline. We recommend that this timeline be connected to a permitting activity or milestone to assist with the permitting of future boiler/burner projects.

RTK appreciates the opportunity to comment on the proposed Boiler Rule during the public comment period and looks forward to additional discussions on the rule in the future.

Sincerely,



Jenny Esker Evans
Principal Advisor, Air Quality Permitting and Compliance

² R307-316-4(2).