



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 18 2010

THE ADMINISTRATOR

The Honorable J. Gresham Barrett
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Barrett:

Thank you for your October 6 letter regarding the proposed standards for controlling hazardous air emissions from industrial, commercial, and institutional boilers and process heaters ("Boiler NESHAP"), and specifically how they would affect your constituents in South Carolina. You raise important concerns, and I take them seriously.

At the outset, I should note that the rulemaking at issue is not discretionary. In Section 112 of the Clean Air Act, Congress directed EPA to establish these standards. EPA issued its proposal after many years of delay, and in order to meet a deadline set by the U.S. District Court for the District of Columbia.

Many of the facilities in question are located in close proximity to neighborhoods where large numbers of people live and large numbers of children go to school. EPA estimates that the new standards will cut the facilities' toxic mercury emissions in half and, in the process, reduce their annual emissions of harmful sulfur dioxide and particulate matter by more than 300,000 tons and more than 30,000 tons, respectively.

Those reductions in air pollution will, each year, avoid an estimated 2,000 to 5,100 premature deaths, 1,400 cases of chronic bronchitis, 35,000 cases of aggravated asthma, and 1.6 million occurrences of acute respiratory symptoms. EPA estimates that Americans will receive five to twelve dollars in health benefits for every dollar spent to meet the standards.

Section 112 of the Clean Air Act directs EPA to calibrate the standards for each subcategory of facility to the emissions control that well-performing existing facilities in that subcategory are currently achieving. The same section of the statute identifies the types of information that are necessary to justify the establishment of any separate subcategory. In an effort to establish separate subcategories wherever appropriate, and to calculate accurately the standards for each subcategory, EPA asked the affected companies and institutions for technical data about their facilities long before the court-ordered deadline for publishing a proposal. As is often the case in Section 112 rulemaking efforts, however, EPA did not receive many data. While the agency was not left entirely lacking in relevant information, the limited response from affected businesses and institutions did make it difficult for EPA to delineate subcategories and calculate standards that fully reflected operational reality. The agency nevertheless was legally

required to publish proposed subcategories and standards based on the information it had at the time.

Fortunately, a number of potentially affected businesses and institutions responded to EPA's published proposal by giving the agency relevant data that it had not possessed at the time of the proposal. The agency will make exhaustive use of all of the relevant data received during the period for public comment. EPA is now learning things that it did not know before about the particulars of affected sectors and facilities. The final standards will reflect the agency's new learning, and that is how the rulemaking process is supposed to work.

I would like to address your concern that the rulemakings at issue might threaten jobs. In recent weeks, two industry trade associations issued two separate presentations, each claiming that the rules would cost the U.S. economy jobs. The presentations differ significantly from each other when it comes to the number of jobs that allegedly would be lost. Moreover, the associations' methods for reaching their projections are in several respects opaque and in others clearly flawed. For example, they neglect to count the workers who will be needed to operate and maintain pollution control equipment and to implement work practices that reduce emissions.

On that point, the American Boiler Manufacturers Association ("ABMA") writes the following in its comments on the proposed Boiler MACT Rule:

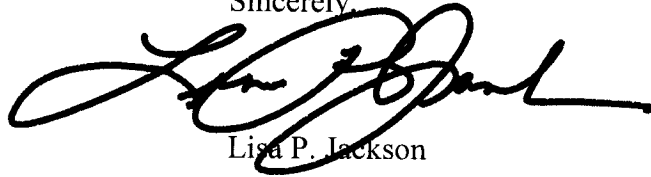
If properly designed to reflect the broad range of boiler designs and operational conditions, as well as manufacturers' emission guarantee levels, the Boiler MACT will stimulate the creation of jobs in the boiler and boiler-related equipment industry. To the extent that EPA develops a Boiler MACT rulemaking that is achievable in practice for boiler owners and operators, the proposal will create solid, well-paid, professional, skilled and unskilled manufacturing jobs attendant to the upgrade, optimization and replacement of existing boilers around the United States. In addition, service jobs associated with the installation and maintenance of these systems, as well as service jobs associated with required tune-ups and energy assessments will be created. These jobs will be significant contributions to our local, state and national economies – contributions that must not be overlooked or minimized.

Additionally, you suggest that EPA set a health-based standard, as opposed to a purely technology-based standard. While many businesses are pleased that EPA solicited comment on setting such a standard, pursuant to Clean Air Act Section 112(d)(4), for certain hazardous air pollutants such as hydrogen chloride, those same businesses believe that EPA should have identified the establishment of a health-based standard as the agency's preferred outcome. The discretionary establishment of a health-based standard would need to be based on an adequate factual record justifying it. EPA did not identify a health-based standard as a preferred outcome in the proposal, because the agency did not possess at the time of the proposal a factual record that could justify it.

Finally, we recognize that businesses that burn biomass in their boilers and process heaters or are worried that the limited information underlying EPA's proposed subcategories and standards might cause businesses that currently burn renewable biomass to convert to other fuels. Please know that EPA is paying particular attention to the subject of biomass-fired boilers and process heaters as the agency works to develop final standards.

Again, thank you for your letter. If you have additional questions, please do not hesitate to contact me, or to have your staff contact Cheryl Mackay in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa P. Jackson", written in a cursive style.

Lisa P. Jackson



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 18 2010

THE ADMINISTRATOR

The Honorable James Clyburn
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Clyburn:

Thank you for your October 6 letter regarding the proposed standards for controlling hazardous air emissions from industrial, commercial, and institutional boilers and process heaters ("Boiler NESHAP"), and specifically how they would affect your constituents in South Carolina. You raise important concerns, and I take them seriously.

At the outset, I should note that the rulemaking at issue is not discretionary. In Section 112 of the Clean Air Act, Congress directed EPA to establish these standards. EPA issued its proposal after many years of delay, and in order to meet a deadline set by the U.S. District Court for the District of Columbia.

Many of the facilities in question are located in close proximity to neighborhoods where large numbers of people live and large numbers of children go to school. EPA estimates that the new standards will cut the facilities' toxic mercury emissions in half and, in the process, reduce their annual emissions of harmful sulfur dioxide and particulate matter by more than 300,000 tons and more than 30,000 tons, respectively.

Those reductions in air pollution will, each year, avoid an estimated 2,000 to 5,100 premature deaths, 1,400 cases of chronic bronchitis, 35,000 cases of aggravated asthma, and 1.6 million occurrences of acute respiratory symptoms. EPA estimates that Americans will receive five to twelve dollars in health benefits for every dollar spent to meet the standards.

Section 112 of the Clean Air Act directs EPA to calibrate the standards for each subcategory of facility to the emissions control that well-performing existing facilities in that subcategory are currently achieving. The same section of the statute identifies the types of information that are necessary to justify the establishment of any separate subcategory. In an effort to establish separate subcategories wherever appropriate, and to calculate accurately the standards for each subcategory, EPA asked the affected companies and institutions for technical data about their facilities long before the court-ordered deadline for publishing a proposal. As is often the case in Section 112 rulemaking efforts, however, EPA did not receive many data. While the agency was not left entirely lacking in relevant information, the limited response from affected businesses and institutions did make it difficult for EPA to delineate subcategories and calculate standards that fully reflected operational reality. The agency nevertheless was legally

required to publish proposed subcategories and standards based on the information it had at the time.

Fortunately, a number of potentially affected businesses and institutions responded to EPA's published proposal by giving the agency relevant data that it had not possessed at the time of the proposal. The agency will make exhaustive use of all of the relevant data received during the period for public comment. EPA is now learning things that it did not know before about the particulars of affected sectors and facilities. The final standards will reflect the agency's new learning, and that is how the rulemaking process is supposed to work.

I would like to address your concern that the rulemakings at issue might threaten jobs. In recent weeks, two industry trade associations issued two separate presentations, each claiming that the rules would cost the U.S. economy jobs. The presentations differ significantly from each other when it comes to the number of jobs that allegedly would be lost. Moreover, the associations' methods for reaching their projections are in several respects opaque and in others clearly flawed. For example, they neglect to count the workers who will be needed to operate and maintain pollution control equipment and to implement work practices that reduce emissions.

On that point, the American Boiler Manufacturers Association ("ABMA") writes the following in its comments on the proposed Boiler MACT Rule:

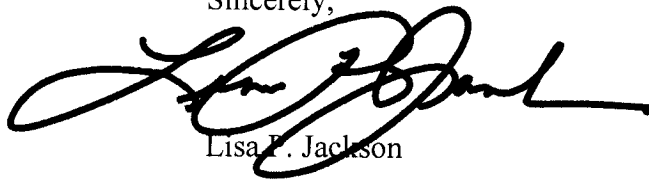
If properly designed to reflect the broad range of boiler designs and operational conditions, as well as manufacturers' emission guarantee levels, the Boiler MACT will stimulate the creation of jobs in the boiler and boiler-related equipment industry. To the extent that EPA develops a Boiler MACT rulemaking that is achievable in practice for boiler owners and operators, the proposal will create solid, well-paid, professional, skilled and unskilled manufacturing jobs attendant to the upgrade, optimization and replacement of existing boilers around the United States. In addition, service jobs associated with the installation and maintenance of these systems, as well as service jobs associated with required tune-ups and energy assessments will be created. These jobs will be significant contributions to our local, state and national economies – contributions that must not be overlooked or minimized.

Additionally, you suggest that EPA set a health-based standard, as opposed to a purely technology-based standard. While many businesses are pleased that EPA solicited comment on setting such a standard, pursuant to Clean Air Act Section 112(d)(4), for certain hazardous air pollutants such as hydrogen chloride, those same businesses believe that EPA should have identified the establishment of a health-based standard as the agency's preferred outcome. The discretionary establishment of a health-based standard would need to be based on an adequate factual record justifying it. EPA did not identify a health-based standard as a preferred outcome in the proposal, because the agency did not possess at the time of the proposal a factual record that could justify it.

Finally, we recognize that businesses that burn biomass in their boilers and process heaters or are worried that the limited information underlying EPA's proposed subcategories and standards might cause businesses that currently burn renewable biomass to convert to other fuels. Please know that EPA is paying particular attention to the subject of biomass-fired boilers and process heaters as the agency works to develop final standards.

Again, thank you for your letter. If you have additional questions, please do not hesitate to contact me, or to have your staff contact Cheryl Mackay in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa F. Jackson", written in a cursive style with a long horizontal stroke at the end.

Lisa F. Jackson



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 18 2010

THE ADMINISTRATOR

The Honorable Joe Wilson
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Wilson:

Thank you for your October 6 letter regarding the proposed standards for controlling hazardous air emissions from industrial, commercial, and institutional boilers and process heaters ("Boiler NESHAP"), and specifically how they would affect your constituents in South Carolina. You raise important concerns, and I take them seriously.

At the outset, I should note that the rulemaking at issue is not discretionary. In Section 112 of the Clean Air Act, Congress directed EPA to establish these standards. EPA issued its proposal after many years of delay, and in order to meet a deadline set by the U.S. District Court for the District of Columbia.

Many of the facilities in question are located in close proximity to neighborhoods where large numbers of people live and large numbers of children go to school. EPA estimates that the new standards will cut the facilities' toxic mercury emissions in half and, in the process, reduce their annual emissions of harmful sulfur dioxide and particulate matter by more than 300,000 tons and more than 30,000 tons, respectively.

Those reductions in air pollution will, each year, avoid an estimated 2,000 to 5,100 premature deaths, 1,400 cases of chronic bronchitis, 35,000 cases of aggravated asthma, and 1.6 million occurrences of acute respiratory symptoms. EPA estimates that Americans will receive five to twelve dollars in health benefits for every dollar spent to meet the standards.

Section 112 of the Clean Air Act directs EPA to calibrate the standards for each subcategory of facility to the emissions control that well-performing existing facilities in that subcategory are currently achieving. The same section of the statute identifies the types of information that are necessary to justify the establishment of any separate subcategory. In an effort to establish separate subcategories wherever appropriate, and to calculate accurately the standards for each subcategory, EPA asked the affected companies and institutions for technical data about their facilities long before the court-ordered deadline for publishing a proposal. As is often the case in Section 112 rulemaking efforts, however, EPA did not receive many data. While the agency was not left entirely lacking in relevant information, the limited response from affected businesses and institutions did make it difficult for EPA to delineate subcategories and calculate standards that fully reflected operational reality. The agency nevertheless was legally

required to publish proposed subcategories and standards based on the information it had at the time.

Fortunately, a number of potentially affected businesses and institutions responded to EPA's published proposal by giving the agency relevant data that it had not possessed at the time of the proposal. The agency will make exhaustive use of all of the relevant data received during the period for public comment. EPA is now learning things that it did not know before about the particulars of affected sectors and facilities. The final standards will reflect the agency's new learning, and that is how the rulemaking process is supposed to work.

I would like to address your concern that the rulemakings at issue might threaten jobs. In recent weeks, two industry trade associations issued two separate presentations, each claiming that the rules would cost the U.S. economy jobs. The presentations differ significantly from each other when it comes to the number of jobs that allegedly would be lost. Moreover, the associations' methods for reaching their projections are in several respects opaque and in others clearly flawed. For example, they neglect to count the workers who will be needed to operate and maintain pollution control equipment and to implement work practices that reduce emissions.

On that point, the American Boiler Manufacturers Association ("ABMA") writes the following in its comments on the proposed Boiler MACT Rule:

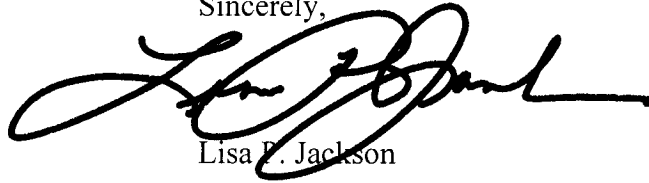
If properly designed to reflect the broad range of boiler designs and operational conditions, as well as manufacturers' emission guarantee levels, the Boiler MACT will stimulate the creation of jobs in the boiler and boiler-related equipment industry. To the extent that EPA develops a Boiler MACT rulemaking that is achievable in practice for boiler owners and operators, the proposal will create solid, well-paid, professional, skilled and unskilled manufacturing jobs attendant to the upgrade, optimization and replacement of existing boilers around the United States. In addition, service jobs associated with the installation and maintenance of these systems, as well as service jobs associated with required tune-ups and energy assessments will be created. These jobs will be significant contributions to our local, state and national economies – contributions that must not be overlooked or minimized.

Additionally, you suggest that EPA set a health-based standard, as opposed to a purely technology-based standard. While many businesses are pleased that EPA solicited comment on setting such a standard, pursuant to Clean Air Act Section 112(d)(4), for certain hazardous air pollutants such as hydrogen chloride, those same businesses believe that EPA should have identified the establishment of a health-based standard as the agency's preferred outcome. The discretionary establishment of a health-based standard would need to be based on an adequate factual record justifying it. EPA did not identify a health-based standard as a preferred outcome in the proposal, because the agency did not possess at the time of the proposal a factual record that could justify it.

Finally, we recognize that businesses that burn biomass in their boilers and process heaters or are worried that the limited information underlying EPA's proposed subcategories and standards might cause businesses that currently burn renewable biomass to convert to other fuels. Please know that EPA is paying particular attention to the subject of biomass-fired boilers and process heaters as the agency works to develop final standards.

Again, thank you for your letter. If you have additional questions, please do not hesitate to contact me, or to have your staff contact Cheryl Mackay in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa P. Jackson", with a long horizontal flourish extending to the right.

Lisa P. Jackson



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

NOV 18 2010

THE ADMINISTRATOR

The Honorable John M. Spratt
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Spratt:

Thank you for your October 6 letter regarding the proposed standards for controlling hazardous air emissions from industrial, commercial, and institutional boilers and process heaters ("Boiler NESHAP"), and specifically how they would affect your constituents in South Carolina. You raise important concerns, and I take them seriously.

At the outset, I should note that the rulemaking at issue is not discretionary. In Section 112 of the Clean Air Act, Congress directed EPA to establish these standards. EPA issued its proposal after many years of delay, and in order to meet a deadline set by the U.S. District Court for the District of Columbia.

Many of the facilities in question are located in close proximity to neighborhoods where large numbers of people live and large numbers of children go to school. EPA estimates that the new standards will cut the facilities' toxic mercury emissions in half and, in the process, reduce their annual emissions of harmful sulfur dioxide and particulate matter by more than 300,000 tons and more than 30,000 tons, respectively.

Those reductions in air pollution will, each year, avoid an estimated 2,000 to 5,100 premature deaths, 1,400 cases of chronic bronchitis, 35,000 cases of aggravated asthma, and 1.6 million occurrences of acute respiratory symptoms. EPA estimates that Americans will receive five to twelve dollars in health benefits for every dollar spent to meet the standards.

Section 112 of the Clean Air Act directs EPA to calibrate the standards for each subcategory of facility to the emissions control that well-performing existing facilities in that subcategory are currently achieving. The same section of the statute identifies the types of information that are necessary to justify the establishment of any separate subcategory. In an effort to establish separate subcategories wherever appropriate, and to calculate accurately the standards for each subcategory, EPA asked the affected companies and institutions for technical data about their facilities long before the court-ordered deadline for publishing a proposal. As is often the case in Section 112 rulemaking efforts, however, EPA did not receive many data. While the agency was not left entirely lacking in relevant information, the limited response from affected businesses and institutions did make it difficult for EPA to delineate subcategories and calculate standards that fully reflected operational reality. The agency nevertheless was legally

required to publish proposed subcategories and standards based on the information it had at the time.

Fortunately, a number of potentially affected businesses and institutions responded to EPA's published proposal by giving the agency relevant data that it had not possessed at the time of the proposal. The agency will make exhaustive use of all of the relevant data received during the period for public comment. EPA is now learning things that it did not know before about the particulars of affected sectors and facilities. The final standards will reflect the agency's new learning, and that is how the rulemaking process is supposed to work.

I would like to address your concern that the rulemakings at issue might threaten jobs. In recent weeks, two industry trade associations issued two separate presentations, each claiming that the rules would cost the U.S. economy jobs. The presentations differ significantly from each other when it comes to the number of jobs that allegedly would be lost. Moreover, the associations' methods for reaching their projections are in several respects opaque and in others clearly flawed. For example, they neglect to count the workers who will be needed to operate and maintain pollution control equipment and to implement work practices that reduce emissions.

On that point, the American Boiler Manufacturers Association ("ABMA") writes the following in its comments on the proposed Boiler MACT Rule:

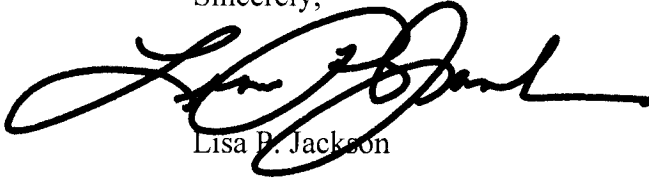
If properly designed to reflect the broad range of boiler designs and operational conditions, as well as manufacturers' emission guarantee levels, the Boiler MACT will stimulate the creation of jobs in the boiler and boiler-related equipment industry. To the extent that EPA develops a Boiler MACT rulemaking that is achievable in practice for boiler owners and operators, the proposal will create solid, well-paid, professional, skilled and unskilled manufacturing jobs attendant to the upgrade, optimization and replacement of existing boilers around the United States. In addition, service jobs associated with the installation and maintenance of these systems, as well as service jobs associated with required tune-ups and energy assessments will be created. These jobs will be significant contributions to our local, state and national economies – contributions that must not be overlooked or minimized.

Additionally, you suggest that EPA set a health-based standard, as opposed to a purely technology-based standard. While many businesses are pleased that EPA solicited comment on setting such a standard, pursuant to Clean Air Act Section 112(d)(4), for certain hazardous air pollutants such as hydrogen chloride, those same businesses believe that EPA should have identified the establishment of a health-based standard as the agency's preferred outcome. The discretionary establishment of a health-based standard would need to be based on an adequate factual record justifying it. EPA did not identify a health-based standard as a preferred outcome in the proposal, because the agency did not possess at the time of the proposal a factual record that could justify it.

Finally, we recognize that businesses that burn biomass in their boilers and process heaters or are worried that the limited information underlying EPA's proposed subcategories and standards might cause businesses that currently burn renewable biomass to convert to other fuels. Please know that EPA is paying particular attention to the subject of biomass-fired boilers and process heaters as the agency works to develop final standards.

Again, thank you for your letter. If you have additional questions, please do not hesitate to contact me, or to have your staff contact Cheryl Mackay in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa B. Jackson", written in a cursive style with a long horizontal flourish at the end.

Lisa B. Jackson



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 18 2010

THE ADMINISTRATOR

The Honorable Bob Inglis
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Inglis:

Thank you for your October 6 letter regarding the proposed standards for controlling hazardous air emissions from industrial, commercial, and institutional boilers and process heaters ("Boiler NESHAP"), and specifically how they would affect your constituents in South Carolina. You raise important concerns, and I take them seriously.

At the outset, I should note that the rulemaking at issue is not discretionary. In Section 112 of the Clean Air Act, Congress directed EPA to establish these standards. EPA issued its proposal after many years of delay, and in order to meet a deadline set by the U.S. District Court for the District of Columbia.

Many of the facilities in question are located in close proximity to neighborhoods where large numbers of people live and large numbers of children go to school. EPA estimates that the new standards will cut the facilities' toxic mercury emissions in half and, in the process, reduce their annual emissions of harmful sulfur dioxide and particulate matter by more than 300,000 tons and more than 30,000 tons, respectively.

Those reductions in air pollution will, each year, avoid an estimated 2,000 to 5,100 premature deaths, 1,400 cases of chronic bronchitis, 35,000 cases of aggravated asthma, and 1.6 million occurrences of acute respiratory symptoms. EPA estimates that Americans will receive five to twelve dollars in health benefits for every dollar spent to meet the standards.

Section 112 of the Clean Air Act directs EPA to calibrate the standards for each subcategory of facility to the emissions control that well-performing existing facilities in that subcategory are currently achieving. The same section of the statute identifies the types of information that are necessary to justify the establishment of any separate subcategory. In an effort to establish separate subcategories wherever appropriate, and to calculate accurately the standards for each subcategory, EPA asked the affected companies and institutions for technical data about their facilities long before the court-ordered deadline for publishing a proposal. As is often the case in Section 112 rulemaking efforts, however, EPA did not receive many data. While the agency was not left entirely lacking in relevant information, the limited response from affected businesses and institutions did make it difficult for EPA to delineate subcategories and calculate standards that fully reflected operational reality. The agency nevertheless was legally

required to publish proposed subcategories and standards based on the information it had at the time.

Fortunately, a number of potentially affected businesses and institutions responded to EPA's published proposal by giving the agency relevant data that it had not possessed at the time of the proposal. The agency will make exhaustive use of all of the relevant data received during the period for public comment. EPA is now learning things that it did not know before about the particulars of affected sectors and facilities. The final standards will reflect the agency's new learning, and that is how the rulemaking process is supposed to work.

I would like to address your concern that the rulemakings at issue might threaten jobs. In recent weeks, two industry trade associations issued two separate presentations, each claiming that the rules would cost the U.S. economy jobs. The presentations differ significantly from each other when it comes to the number of jobs that allegedly would be lost. Moreover, the associations' methods for reaching their projections are in several respects opaque and in others clearly flawed. For example, they neglect to count the workers who will be needed to operate and maintain pollution control equipment and to implement work practices that reduce emissions.

On that point, the American Boiler Manufacturers Association ("ABMA") writes the following in its comments on the proposed Boiler MACT Rule:

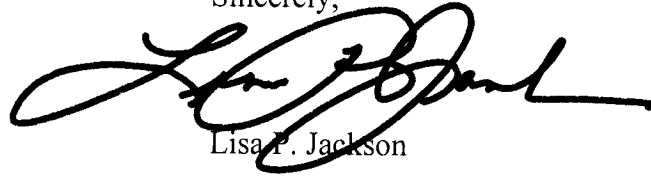
If properly designed to reflect the broad range of boiler designs and operational conditions, as well as manufacturers' emission guarantee levels, the Boiler MACT will stimulate the creation of jobs in the boiler and boiler-related equipment industry. To the extent that EPA develops a Boiler MACT rulemaking that is achievable in practice for boiler owners and operators, the proposal will create solid, well-paid, professional, skilled and unskilled manufacturing jobs attendant to the upgrade, optimization and replacement of existing boilers around the United States. In addition, service jobs associated with the installation and maintenance of these systems, as well as service jobs associated with required tune-ups and energy assessments will be created. These jobs will be significant contributions to our local, state and national economies – contributions that must not be overlooked or minimized.

Additionally, you suggest that EPA set a health-based standard, as opposed to a purely technology-based standard. While many businesses are pleased that EPA solicited comment on setting such a standard, pursuant to Clean Air Act Section 112(d)(4), for certain hazardous air pollutants such as hydrogen chloride, those same businesses believe that EPA should have identified the establishment of a health-based standard as the agency's preferred outcome. The discretionary establishment of a health-based standard would need to be based on an adequate factual record justifying it. EPA did not identify a health-based standard as a preferred outcome in the proposal, because the agency did not possess at the time of the proposal a factual record that could justify it.

Finally, we recognize that businesses that burn biomass in their boilers and process heaters or are worried that the limited information underlying EPA's proposed subcategories and standards might cause businesses that currently burn renewable biomass to convert to other fuels. Please know that EPA is paying particular attention to the subject of biomass-fired boilers and process heaters as the agency works to develop final standards.

Again, thank you for your letter. If you have additional questions, please do not hesitate to contact me, or to have your staff contact Cheryl Mackay in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa P. Jackson", written in a cursive style with a long horizontal flourish at the end.

Lisa P. Jackson



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 18 2010

THE ADMINISTRATOR

The Honorable Henry Brown
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Brown:

Thank you for your October 6 letter regarding the proposed standards for controlling hazardous air emissions from industrial, commercial, and institutional boilers and process heaters ("Boiler NESHAP"), and specifically how they would affect your constituents in South Carolina. You raise important concerns, and I take them seriously.

At the outset, I should note that the rulemaking at issue is not discretionary. In Section 112 of the Clean Air Act, Congress directed EPA to establish these standards. EPA issued its proposal after many years of delay, and in order to meet a deadline set by the U.S. District Court for the District of Columbia.

Many of the facilities in question are located in close proximity to neighborhoods where large numbers of people live and large numbers of children go to school. EPA estimates that the new standards will cut the facilities' toxic mercury emissions in half and, in the process, reduce their annual emissions of harmful sulfur dioxide and particulate matter by more than 300,000 tons and more than 30,000 tons, respectively.

Those reductions in air pollution will, each year, avoid an estimated 2,000 to 5,100 premature deaths, 1,400 cases of chronic bronchitis, 35,000 cases of aggravated asthma, and 1.6 million occurrences of acute respiratory symptoms. EPA estimates that Americans will receive five to twelve dollars in health benefits for every dollar spent to meet the standards.

Section 112 of the Clean Air Act directs EPA to calibrate the standards for each subcategory of facility to the emissions control that well-performing existing facilities in that subcategory are currently achieving. The same section of the statute identifies the types of information that are necessary to justify the establishment of any separate subcategory. In an effort to establish separate subcategories wherever appropriate, and to calculate accurately the standards for each subcategory, EPA asked the affected companies and institutions for technical data about their facilities long before the court-ordered deadline for publishing a proposal. As is often the case in Section 112 rulemaking efforts, however, EPA did not receive many data. While the agency was not left entirely lacking in relevant information, the limited response from affected businesses and institutions did make it difficult for EPA to delineate subcategories and calculate standards that fully reflected operational reality. The agency nevertheless was legally

required to publish proposed subcategories and standards based on the information it had at the time.

Fortunately, a number of potentially affected businesses and institutions responded to EPA's published proposal by giving the agency relevant data that it had not possessed at the time of the proposal. The agency will make exhaustive use of all of the relevant data received during the period for public comment. EPA is now learning things that it did not know before about the particulars of affected sectors and facilities. The final standards will reflect the agency's new learning, and that is how the rulemaking process is supposed to work.

I would like to address your concern that the rulemakings at issue might threaten jobs. In recent weeks, two industry trade associations issued two separate presentations, each claiming that the rules would cost the U.S. economy jobs. The presentations differ significantly from each other when it comes to the number of jobs that allegedly would be lost. Moreover, the associations' methods for reaching their projections are in several respects opaque and in others clearly flawed. For example, they neglect to count the workers who will be needed to operate and maintain pollution control equipment and to implement work practices that reduce emissions.

On that point, the American Boiler Manufacturers Association ("ABMA") writes the following in its comments on the proposed Boiler MACT Rule:

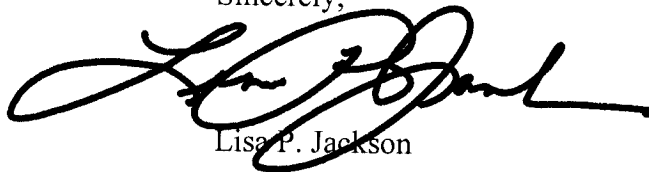
If properly designed to reflect the broad range of boiler designs and operational conditions, as well as manufacturers' emission guarantee levels, the Boiler MACT will stimulate the creation of jobs in the boiler and boiler-related equipment industry. To the extent that EPA develops a Boiler MACT rulemaking that is achievable in practice for boiler owners and operators, the proposal will create solid, well-paid, professional, skilled and unskilled manufacturing jobs attendant to the upgrade, optimization and replacement of existing boilers around the United States. In addition, service jobs associated with the installation and maintenance of these systems, as well as service jobs associated with required tune-ups and energy assessments will be created. These jobs will be significant contributions to our local, state and national economies – contributions that must not be overlooked or minimized.

Additionally, you suggest that EPA set a health-based standard, as opposed to a purely technology-based standard. While many businesses are pleased that EPA solicited comment on setting such a standard, pursuant to Clean Air Act Section 112(d)(4), for certain hazardous air pollutants such as hydrogen chloride, those same businesses believe that EPA should have identified the establishment of a health-based standard as the agency's preferred outcome. The discretionary establishment of a health-based standard would need to be based on an adequate factual record justifying it. EPA did not identify a health-based standard as a preferred outcome in the proposal, because the agency did not possess at the time of the proposal a factual record that could justify it.

Finally, we recognize that businesses that burn biomass in their boilers and process heaters or are worried that the limited information underlying EPA's proposed subcategories and standards might cause businesses that currently burn renewable biomass to convert to other fuels. Please know that EPA is paying particular attention to the subject of biomass-fired boilers and process heaters as the agency works to develop final standards.

Again, thank you for your letter. If you have additional questions, please do not hesitate to contact me, or to have your staff contact Cheryl Mackay in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa P. Jackson", with a large, stylized flourish extending to the right.

Lisa P. Jackson