



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

FEB 23 2011

THE ADMINISTRATOR

The Honorable Ron Wyden
United States Senate
Washington, D.C. 20510

Dear Senator Wyden:

The 1990 amendments to the Clean Air Act directed the Environmental Protection Agency to issue emissions standards for hazardous air pollution from large stationary sources, including industrial, commercial, and institutional boilers and process heaters ("boiler air toxics standards"). I am writing to update you on the Agency's long-overdue work to carry out that Congressional mandate.

The EPA finally proposed boiler air toxics standards for public comment last June. After another eight months of work, and in order to comply with an order issued by the U.S. District Court for the District of Columbia, the Agency issued the boiler air toxics standards two days ago. As explained below, however, existing sources will not need to make any changes immediately.

A large number of businesses and other institutions submitted comments on the proposed standards that the EPA published last June. Those comments contained voluminous data that the Agency did not have at the time it crafted the proposal. The new data has proved highly relevant to the EPA's essential tasks of (1) organizing the multitude of boilers and process heaters into appropriate subcategories and (2) calibrating the standard for each subcategory to the emissions control that well-performing existing facilities within it are achieving already.

Consequently, the standards that the EPA just issued reflect significant changes that the Agency made to the original proposal. For example, the EPA –

- has established a solid-fuel boiler subcategory in recognition of the lack of clear technical distinction between boilers that burn coal and boilers that burn biomass;
- has provided additional flexibility for existing biomass boilers by increasing the carbon monoxide limit and establishing work practice standards for startups and shutdowns;

- has ensured that the standards for all of the various air toxics can, in practice, be met by an individual unit, even though the Agency followed its historical approach of calculating minimum standards on a pollutant-by-pollutant basis; and
- has reduced compliance costs by requiring tune-ups, in lieu of setting numeric emission limits, for boilers and process heaters that use natural gas (or other gaseous fuels – from refineries, landfills, or other sources – that meet mercury and hydrogen sulfide specifications similar to those of natural gas).

Changes such as those listed above render the issued standards about half as costly to meet as the proposed ones would have been. The issued standards nonetheless will protect enormous numbers of American adults and children from harm by reducing their exposure to air toxics such as mercury and lead, which have adverse effects on IQ, learning, and memory.

The health benefits are particularly important for people living in communities close to the affected facilities. The analyses accompanying the standards find that for every dollar spent to comply with the standards, the public will receive at least fifteen to thirty-six dollars in health protection and other benefits. The standards will also reduce concentrations of ozone and fine particles, thereby avoiding, in the year 2014 alone –

- 2,500 to 6,500 premature deaths;
- 1,600 cases of chronic bronchitis;
- 4,000 nonfatal heart attacks;
- 4,300 hospital and emergency room visits;
- 3,700 cases of acute bronchitis;
- 78,000 cases of respiratory symptoms;
- 310,000 days when people miss work or school;
- 41,000 cases of aggravated asthma; and
- 1,900,000 days when people must restrict their activities.

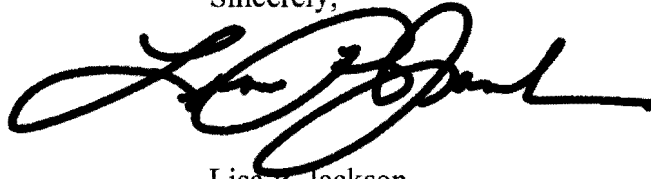
Finally, it is important to note that, even when the EPA does not count the jobs created in manufacturing and installing pollution control equipment, the Agency estimates that the new standards will, on balance, create 2,200 new jobs.

I am proud of the work that the EPA has done to craft protective, sensible standards for controlling hazardous air pollution from boilers and process heaters. The standards reflect what industry has told the Agency about the practical reality of operating these units. I am also, however, sensitive to the fact that the standards issued earlier this week are substantially different from the ones on which the public had an opportunity to comment last year. To the extent that the standards contain provisions that stakeholders could not have anticipated based on the proposal, the public deserves an opportunity to comment on those changed provisions. The additional comments will give the EPA a means of ensuring that it has not, in changing the proposed standards substantially, effectuated any results that the Agency did not anticipate or intend.

Therefore, the EPA will solicit and accept comments from members of the public who would like the Agency to reconsider aspects of the standards that have changed significantly and unexpectedly from the proposal. Existing sources are not required to comply with the standards until three years after they become effective, and parties may request that the EPA delay the effective date as part of the reconsideration process.

I hope that this update has been helpful. If you have any questions, please do not hesitate to contact me or to have your staff contact David McIntosh, the Associate Administrator for Congressional and Intergovernmental Relations, at (202) 564-0539.

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