



August 23, 2010

Environmental Protection Agency
EPA Docket Center (EPA/DC)
Mailcode 2822T
1200 Pennsylvania Avenue NW
Washington, DC 20460

Attention: Docket ID No. EPA-HQ-OAR-2002-0058
Docket ID No. EPA-HQ-OAR-2006-0790

Submitted via E-mail

To Whom it May Concern:

The Business Council for Sustainable Energy (BCSE, the Council), an industry coalition of energy efficiency, renewable energy and natural gas businesses and trade associations,ⁱ respectfully submits the following comments on the Agency's Proposed Rule on National Emission Standards for Hazardous Air Pollutants (NESHAP) for Major Sources: Industrial, Commercial, and Institutional Boilers, published in the Federal Register on June 4, 2010, at 75 FR 32006 – 32073. These comments also address the Proposed Rule on National Emission Standards for Hazardous Air Pollutants (NESHAP) for Area Sources: Industrial, Commercial, and Institutional Boilers, also published on June 4 at 75 FR 31896 – 31935.

By way of general comment, the BCSE continues to urge EPA to—where legally appropriate—consider the role that existing clean energy technologies and fuels can play in achieving the goals of Clean Air Act regulation.

It is important to note that, as a diverse business coalition, not all Council members endorse or take positions on the entire set of recommendations provided in these comments.

Interpretation of 112(d)(3)

Recognizing that the EPA interprets section 112(d)(3) as establishing Maximum Available Control Technology (MACT) floors on a HAP-by-HAP basis and has promulgated rules accordingly, the BCSE joins other groups in recommending that the EPA nevertheless work to ensure that standards and control requirements do not conflict such that it would become impossible for a facility to meet each standard collectively.

Energy Efficiency

The BCSE, in past comments and policy recommendations to EPA and Congress, has long supported the use of energy efficiency measures to achieve pollution reductions. The Council applauds EPA for its intention to include such measures in the Boiler NESHAP rules and urges the Agency to closely consider the technical comments submitted by BCSE members to make such measures practical and effective. The Council encourages the EPA to continue to consider enhancements in energy efficiency as a cost-effective, commonsense means to reduce air pollution throughout its work to implement the Clean Air Act.

Output-Based Standards

The Council has also long supported the development and use of output-based emissions standards as a means to reduce harmful emissions and encourages EPA to consider developing such standards for the Boiler NESHAP rules and in general. As EPA itself has noted, output-based standards that define allowable maximum emissions per unit of useful energy output can provide greater incentives for pollution prevention and emissions reductions than do traditional

input-based standards that allow greater emission as more fuel is consumed.ⁱⁱ The BCSE and others recognize the technical challenges inherent in measuring and defining useful thermal output from some sources addressed under the Boiler NESHAP rules, but urges EPA to consider developing output-based standards nonetheless as an effective means to encourage both increased energy efficiency and reductions in HAP emissions.

Treatment of Natural Gas

Finally, the BCSE has also long supported policies and regulations that recognize natural gas as a clean, affordable, and abundant domestic fuel.ⁱⁱⁱ The Council continues to urge EPA in these Rulemakings and, again, in general to take advantage of those attributes to provide improved environmental outcomes. Along with others, the Council affirms EPA's determination that natural gas-fired boilers and process heaters are not subject to area source regulation as these units do not emit the relevant urban HAP. The Council again encourages EPA to consider the technical comments submitted by BCSE members on how to best utilize and regulate natural gas-fired boilers and process heaters at major sources.

The Council thanks you for the opportunity to submit comments on these matters. Please do not hesitate to contact me for assistance on any issues discussed above.

Sincerely,



Lisa Jacobson, President
Business Council for Sustainable Energy

ⁱ The Council is an industry coalition that includes businesses and trade associations representing the energy efficiency, renewable energy and natural gas industries. These industries comprise a suite of currently available technology options that can strengthen domestic energy security and also reduce emissions of greenhouse gases that contribute to global climate change. For over a decade the Council has represented the views of clean energy technology industries in the development of energy and climate change policy at state, regional, federal and international levels. Given its broad business representation, the Council is uniquely positioned to provide policy guidance on energy policy and the major design elements of a federal, economy-wide and market-based approach to climate change. For additional information about the Council and its members, please visit www.bcse.org.

ⁱⁱ See "Output-Based Environmental Regulations Fact Sheet," EPA Combined Heat and Power Partnership (April 12, 2007). A copy is available at: http://www.epa.gov/chp/state-policy/obr_factsheet.html.

ⁱⁱⁱ See *The Future of Natural Gas: An Interdisciplinary MIT Study*, MIT Energy Initiative (June 25, 2010). A copy is available at <http://web.mit.edu/mitei/research/studies/naturalgas.html>. Also consult *Abundant Shale Gas Resources: Some Implications for Energy Policy*, Resources for the Future (April 2010). A copy is available at <http://www.rff.org/RFF/Documents/RFF-BCK-Brownetal-ShaleGas.pdf>.