



FEB 08 2012

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The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator Jackson:

The Local Government Advisory Committee (LGAC) appreciates the opportunity to work with you and the US EPA on a wide range of issues of interest and concern to local governments. More specifically, the Committee is particularly grateful to have the opportunity to comment on the proposed reconsiderations of Clean Air Act Standards for Industrial/Commercial/Institutional Boilers and Process Heaters (Boiler MACT), released by EPA on December 2, 2011. The LGAC has reviewed and considered the proposed changes. Pursuant to the Committee's charter we offer the following comments regarding emissions standards for boilers and incinerators.

The LGAC acknowledges and appreciates the outreach to local communities and local officials that you have done before releasing in advance of the proposed rules, especially to clear up certain misconceptions and misinformation about the proposed changes. As you are aware, many local communities have expressed concerns about potential high costs they and their constituencies would incur from revised MACT standards. Your senior staff, including Gina McCarthy and Janet McCabe, as well as yourself, have briefed and met with this Committee on numerous occasions. This dialogue has helped us to gain a better understanding of EPA's proposal, which we were then able to share with our local colleagues and constituencies in order to address common misconceptions of the regulations.

The Committee recognizes that, in comparison to the March 21, 2011, final rules, the costs of implementation are greatly reduced in these proposed standards. However, local governments across the county are under significant financial stress in today's economy, and any additional costs in implementation from the current standard may be a burden for some communities. The Committee therefore appreciates that these proposed changes provide greater flexibility for local governments and industries to meet the revised standards. Flexibility is vital in helping local governments keep costs at a manageable level and to address the unique concerns of varying communities successfully.

Additionally, the Committee is concerned about the significant and varied connections between these proposals and biomass production; specifically, how these regulations affect the biomass industry. If these proposals, once implemented, have the unintended effect of reducing biomass production, local communities could be subject to an even more environmentally-detrimental outcome if growth in the biomass industry is hampered. **The Committee recommends that EPA provide more clarity and guidance as to how these proposed standards interact with the production of biomass in various ways in order to inform local governments and industry. The Committee also recommends that EPA ensure that no negative effects on biomass production are created, intentionally or not, as a result of these standards.**

The Committee looks forward to working with EPA and our local communities to ensure a steady flow of information and emphasize the positive effects of these standards, including job creation and healthier communities, by reducing mercury, dioxin, and other harmful pollutants from boilers.

Sincerely,



The Honorable Heather McTeer Hudson

LGAC Chair



The Honorable Salud Carbajal

Chair, Air, Climate and Energy Workgroup

CC: Gina McCarthy
Janet McCabe