

December 13, 2011

Administrator Lisa Jackson
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Dear Administrator Jackson,

Thank you for visiting with me about the Environmental Protection Agency's proposed revisions to its Clean Air Act and Solid Waste Disposal Act regulations for boilers and incinerators. I appreciate the efforts that the Agency has made to reexamine both the Clean Air Act requirements that will apply to both large and smaller, area source boilers and the definition governing which materials can be used to fuel boilers and which will require compliance with incinerator standards.

As you know, Sen. Collins and I have introduced legislation to establish a new schedule for issuing these this entire set of rules – S. 1392, the EPA Regulatory Relief Act of 2011. S. 1392 includes a requirement that EPA create a specific, defined list of which materials can be allowed to fuel boilers. Under the provisions of S. 1392, both boiler owners and the communities in which the boilers are located would clearly know which fuels could be burned and which could not. I note that EPA's new proposal not only includes the creation of defined list of allowable fuels, but it also mirrors the requirement in S. 1392 that additions or modifications to the list of allowable fuels be made through a public process with opportunity for notice and comment.

Now that EPA is moving in the direction of proposing a specific list of allowable fuels, I propose that EPA include an additional measure in the agency's regulations for smaller, area boilers. While the vast majority of these boilers will use conventional fuels, such as oil or natural gas, a relatively small number burn other listed materials. EPA should include a reporting requirement for the small number of area source boilers using fuels on the approved list. This will ensure that the public is aware of when such fuels are used at all boilers, not just the larger ones.

As we discussed, I also remain concerned about the ability of the thousands of boilers that are affected by these rules to come into compliance within the existing three year compliance period. I appreciate your commitment to reexamine this issue and identify how additional time can be made available in cases where it is needed.

Thank you for continuing to work with me on fashioning regulations that will protect our citizens' health and environment as well as their livelihoods.

Sincerely,



Ron Wyden
US Senator