



February 21, 2012

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Air and Radiation Docket and Information Center  
Environmental Protection Agency  
Mail Code: 2822T, 1200  
Pennsylvania Avenue NW  
Washington, DC 20460

Comments on Proposed Rule, Reconsideration of Final Rule: National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters, 76, Fed. Reg. 80598 (Dec. 23, 2011)

Dear Administrator Jackson:

The Business Council for Sustainable Energy (BCSE, the Council) thanks you for this opportunity to provide comment on the National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (the “December Rule” or “Boiler MACT”).

The BCSE is a coalition of companies and trade associations from the energy efficiency, natural gas, and renewable energy sectors, and also includes independent electric power producers, investor-owned utilities, public power, commercial end-users, and environmental market service companies. BCSE was founded in 1992, and advocates for policies at state, national and international levels that increase the use of commercially-available clean energy technologies, products and services.<sup>1</sup> The coalition’s diverse business membership is united around the revitalization of our economy and creation of a secure and sustainable energy future for America.

As BCSE is a diverse coalition, not all BCSE members endorse or take positions on the issues included in these comments. The comments contained in this filing represent the position of BCSE as an organization, but not necessarily the view of any particular member with respect to any specific issue.

The Council appreciates EPA’s effort throughout the rule to emphasize the role energy efficiency can play in reducing emissions of hazardous air pollutants (HAPs) in a cost-effective manner. We specifically commend EPA for adopting two suggestions included in BCSE’s May 2011 Petition of Reconsideration:

1. *Clarifying that facilities may simultaneously adopt the alternative output-based compliance standard and average emissions.* BCSE members expressed concern in reaction to the March 21, 2011 rule’s apparent prohibition against combining both an output-based emissions standard and emissions averaging. The Council commends EPA for correcting this oversight in the re-proposed rule by allowing averaging for units that elect to comply with the output-based standards and for providing clear direction on how a facility may opt simultaneously for output-based emissions limitations and emissions averaging. As EPA notes in the re-proposed rule, “there is no technical reason why averaging of output-based limits is inappropriate.”
2. *Clarifying that coal-fired facilities seeking to incorporate clean and efficient combined heat and power (CHP) or waste heat recovery (WHR) are eligible for a one-year compliance extension.* CHP and WHR developers and environmental engineering firms have worried that three years

<sup>1</sup> For additional information about the Council and its members, please visit [www.bcse.org](http://www.bcse.org).

would not be sufficient time for boiler owners to design, permit and install a CHP or WHR system. EPA regulations clearly recognize the potential delays for boiler owners seeking to install add-on pollution controls, allowing those boiler owners to petition for a one-year extension if necessary for the installation of such controls.<sup>2</sup> In the re-proposed rule, EPA clarifies that the installation of a CHP or WHR system could, in fact, support a compliance extension request.<sup>3</sup> We thank EPA for this clarification and believe that treating CHP and WHR as controls in this manner may encourage facilities to pursue these technologies, which will ultimately lead to greater fuel savings and emission reductions.

As a final point, the BCSE seeks to reiterate its support for EPA's forthcoming collaboration with the Departments of Energy and Agriculture to help facilities "develop compliance strategies, such as combined heat and power that are cleaner, more energy efficient, and that can have a positive economic return for the plant over time."<sup>4</sup> Collaboration between the three Federal agencies and their technical assistance to industry is critical for industrial facilities looking to retrofit or install boilers that take full advantage of the benefits of energy efficiency.

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,

A handwritten signature in black ink that reads "Lisa Jacobson". The signature is fluid and cursive, with the first name "Lisa" being larger and more prominent than the last name "Jacobson".

Lisa Jacobson, President  
Business Council for Sustainable Energy

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<sup>2</sup> See 40 CFR 63.6 (Authorizing the Administrator or delegated state authority to "grant an extension allowing the source up to 1 additional year to comply with the standard, if such additional period is necessary for the installation of controls").

<sup>3</sup> See U.S. EPA, 76 Fed. Reg. 80598, 80671, "National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters," Dec. 23, 2011 (Table 10 to Subpart DDDDD of Part 63) ("Facilities may request extensions of compliance for the installation of combined heat and power or waste heat recovery as a means of complying with this subpart").

<sup>4</sup> US EPA, Fact Sheet: "EPA Boiler Standards: Department of Energy and Department of Agriculture Technical Assistance for Boiler Operators and Owners (<http://www.epa.gov/airquality/combustion/docs/20110221doefs.pdf>).