

August 23, 2010

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



Re: National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters; Proposed Rule, 75 Fed. Reg. 32006 (June 4, 2010); Docket No. EPA-HQ-OAR-2002-0058

To Whom It May Concern:

The Council of Western State Foresters (CWSF) respectfully submits the following comments in response to the Environmental Protection Agency's (EPA's) proposed National Emission Standards for Hazardous Air Pollutants for Major Sources (Docket No. EPA-HQ-OAR-2002-0058). CWSF is a nonpartisan organization whose membership includes the directors of the state forestry agencies in the Western United States and Pacific Islands. We strive to ensure the sustainability and health of western forests in meeting today's needs and those of the future. We appreciate the opportunity to comment on the proposed rule in order to better utilize forest derived biomass as a source of renewable energy and request that you consider our comments as you finalize your rulemaking.

The forestry sector in the Western U.S. has been in transition for many years, and in some places is at or below critical industry infrastructure to support the necessary forest management practices to sustain healthy forests. Market options for small diameter, lower value products, and expanded renewable energy markets will help diversify existing forest industry and provide economical alternatives to achieve sustainable, healthy forests in our country.

For example, vast areas of federal, state and private forests in the Western U.S. are identified for fuels reduction that reduces wildfire risk to communities and protects critical forest resources. Large landscapes are being impacted by bark beetle; removing the hazard trees generates large volumes of wood materials that currently have few local options for value-added products. Options for local, small-scale energy uses such as heating school campuses, prisons, and greenhouse complexes are a cost effective way of utilizing the forest and manufacturing residues, while contributing to community and state renewable energy goals. Larger bioenergy facilities also have a role in the western landscape in the form of combined heat and power, industrial boilers, and community energy systems, and are currently one of the major producers of renewable energy for the United States.

The draft Area Source and Major Source Rules will directly impact the cost and viability of existing and new systems. Unfortunately, these rules potentially have the unintended consequence of providing no options for using forest residues other than slash pile burning in the forest. This option alone cannot provide our nation with the resources needed to maintain healthy forests and help meet renewable energy standards. Although the rulemaking process such as the MACT standards are not required to look at these trade-offs and the alternative fates, the reality is that clean burning of forest biomass in modern high efficiency biomass boilers creates many benefits for society beyond renewable energy because it reduces this alternative source of emissions while producing renewable energy.

We have worked with the National Association of State Foresters to develop the comments that are attached to this letter, and support their position.

A handwritten signature in black ink, appearing to read "Arthur Blazer".

Arthur, "Butch" Blazer, New Mexico State Forester
Council of Western State Foresters Chair

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Re: National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers; Proposed Rule, 75 Fed. Reg. 32006 (June 4, 2010); Docket No. EPA-HQ-OAR-2002-0058

To Whom It May Concern:

The National Association of State Foresters (NASF) respectfully submits the following comments in response to the Environmental Protection Agency's (EPA's) proposed National Emission Standards for Hazardous Air Pollutants for Major Sources. NASF offers suggestions to the proposed rule in order to better utilize forest derived biomass as a source of renewable energy.

NASF seeks to discuss, develop, sponsor and promote programs and activities which will advance the practice of sustainable forestry, the conservation and protection of forest lands and associated resources and the establishment and management of the Nation's forests. NASF has an interest in promoting markets for forest products including forest derived biomass. New markets for biomass have significant potential to improve the management of both private and public forest lands.

NASF is concerned that the proposed Major Source rule will prevent new markets for forest biomass from developing. Unnecessarily stringent regulations in the proposed rule can be cost prohibitive and have the potential to prevent new investment in wood-based bioenergy facilities. This will cause boilers to increase their use of fossil fuels which runs counter to the nation's renewable energy goals. Further, lack of markets for biomass will increase onsite open burning which can have negative public health impacts such as the release of methane and black carbon. We strongly encourage EPA to avoid finalizing regulations that have unintended consequences that limits forest role in delaying the nation's shift to clean, renewable energy.

I. General Comments

The forest products industry is vital to our Nation's economy. Despite the recent economic downturn and significant job loss in the sector, the forest products industry employs nearly 1 million workers, and is among the top 10 manufacturing employers in 48 states. The industry alone is responsible for 6% of

Executive Director
 Jay Farrell

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the Nation's gross domestic product, and is capable of more.¹ Alongside the forest products industry is the emerging forest biomass markets that can help improve the management on public and private forest lands. Forest biomass provides a clean and inexpensive form of fuel that is often used by hospitals and public institutions as fuel for steam heating. We hold concerns that the proposed regulations can significantly increase costs for those who supply and consume biomass. High compliance costs for biomass will result in less use of biomass in boilers, limiting the market for biomass and making most biomass boiler projects uneconomical.

We also have procedural questions related to EPA's promulgation of the Boiler MACT rules in-advance of the completion of the EPA rules related to defining "solid waste" under the Resource Conservation and Recovery Act (Docket # EPA-HQ-RCRA-2008-0329). The classification of material as solid waste (or not) will determine whether boilers are regulated per the Boiler MACT rules or under the Solid Waste Incineration rules. Because EPA has not finalized the solid waste rule prior to asking for public comment on the boiler rules, it leaves open the set of requirements new and existing boilers will be subject to. We strongly encourage EPA to complete the definition of solid waste before proceeding with finalizing emission standards for Major Source boilers.

II. Comments on the Proposed Major Source Rule

NASF offers the following recommendations for EPA to improve the Boiler MACT and limit the impact the rule will have on job maintenance and creation, renewable energy production and the sustainable management of the nation's forests.

- **Build flexibility into the rule to focus emission limits to where problems exist.** Under §112(d)(4) of the Clean Air Act, EPA is authorized to implement health based emissions limits. EPA should utilize this authority to avoid unnecessary controls where emissions do not pose a public health threat. NASF recommends the use of health-based compliance alternatives be made available for HCl and manganese. This approach would still protect public health while eliminating unnecessary financial burdens on facilities that could result from the proposed emissions limits.
- **Set emission limits that reflect the variability of boilers and are grounded in real-world data.** EPA should promulgate regulations for biomass boilers that reflect more inclusive and accurate data. Emission limits should reflect what real world best performing units can achieve and should account for operational variability (e.g., warm-ups, shut downs, load swings, fuel mix, etc.) among boilers.¹ The dataset used to set emissions standards in the proposed rule is incomplete and does not represent the average capability of existing boilers. Forest biomass contains very small (if not inconsequential) amounts of hydrogen chloride, dioxin and mercury and proposed PM emission limits are too stringent. We recommend EPA review the report commissioned by the Western Forestry Leadership Coalition entitled, "Emission Controls for Small Wood Boilers" for more information on smaller systems. The report can be found at: <http://www.rsginc.com/emission-controls-for-small-wood-fired-boilers/>
- **Avoid emission limits for new and existing sources that prevent the use of clean, renewable biomass.** As proposed, this rule sets overly stringent emission limits for mercury, dioxin and hydrochloric acid which are present in very small amounts in wood.² The costs to achieve these limits will significantly penalize new and existing biomass burning facilities and should be dropped or replaced by alternative work practices standards (for dioxin and mercury). The

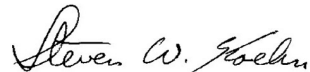
¹ Hunt, T. 2010. Testimony on behalf of AF&PA provided at EPA Hearing on Boiler MACT. Last accessed on-line on August 18, 2010 at: <http://www.afandpa.org/whatwebelieve.aspx?id=532>

proposed limits could require facilities to adopt costly new control equipment which would encourage the use of other non-renewable fuel sources. Emission limits for CO should not be overly stringent so as to discourage the conversion of coal-fired facilities to woody biomass feedstocks or the construction of new wood-based bioenergy facilities.

These rules surpass the emission regulations for European boilers and will require additional investments in emissions controls and fuel testing. This may discourage additional use of woody biomass energy by the forest products sector which increases their costs and reduces their competitiveness in international markets. Such impacts will result in economic impacts throughout the value chain related to the forest products industry.

NASF recommends EPA delay the adoption of these rules until there is sufficient time to collect a more complete data set and revise the Maximum Achievable Control Technology and Generally Available Control Technology limits for biomass fuels. We encourage EPA to request as much time as needed from the court to finalize the rules with reasonable and well supported limits and standards. While we support efforts to address serious health threats from air emissions, we also believe rules can be promulgated that include a sustainable approach that protects the environment and public health without having severe impacts on forest-based economies.

Sincerely,

A handwritten signature in cursive script that reads "Steven W. Koehn".

Steven W. Koehn
President and Maryland State Forester