
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 879 Session of
2010

INTRODUCED BY HALUSKA, HUTCHINSON, BAKER, BELFANTI, CAUSER,
EVERETT, FAIRCHILD, GABLER, GINGRICH, GROVE, HANNA, HORNAMAN,
M. KELLER, KIRKLAND, METCALFE, MILLER, MIRABITO, PASHINSKI,
PICKETT, RAPP, READSHAW, STERN, HESS, OBERLANDER, MAHONEY,
STABACK AND BROOKS, JULY 2, 2010

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JULY 2, 2010

A RESOLUTION

1 Memorializing the United States Environmental Protection Agency
2 to revise the proposed Boiler MACT rule to incorporate
3 sustainable approaches that protect the environment and
4 public health while fostering economic recovery and jobs
5 within the bounds of the law.

6 WHEREAS, The Boiler Maximum-Achievable Control Technology
7 (Boiler MACT) rule proposed by the United States Environmental
8 Protection Agency (EPA) sets emission limits for hazardous air
9 pollutants (HAP) from gas, liquid, coal and biomass fired
10 boilers and process heaters located at universities, food
11 product processors, furniture makers, Federal facilities and a
12 wide range of manufacturers, including the forest products,
13 chemical, plastics and refining industries; and

14 WHEREAS, The proposed Boiler MACT rule, published by the EPA
15 on June 4, 2010, could strike a severe blow to the manufacturing
16 economy and is far more restrictive than is needed to protect
17 the environment; and

1 WHEREAS, The methodology that the EPA is using to set
2 emission limits is extremely stringent, often approaching levels
3 that can barely be detected and that are unachievable; and

4 WHEREAS, The limits that EPA has set are unnecessarily
5 stringent because they rely on data that do not take into
6 consideration the variability of best performing boilers such as
7 warm-ups, shutdowns, load swings, fuel mix and fuel quality
8 changes, control efficiency differences and performance testing
9 adjustments; and

10 WHEREAS, The data used in setting emission limits is heavily
11 biased toward the top performing units as evidenced by the way
12 the data was collected and sorted; and

13 WHEREAS, The costs to individual facilities could be tens of
14 millions of dollars in additional capital expenditures, which
15 may not be sustainable given the down economy and fierce
16 international competitiveness; and

17 WHEREAS, The proposed rule once implemented will result in
18 severe hardship and significant job losses; and

19 WHEREAS, Section 112(d)(4) of the Clean Air Act allows
20 facilities to avoid controls where risks from threshold
21 substances are shown to be safe and to target investments only
22 where problems exist; and

23 WHEREAS, Several of the limits for biomass are set
24 unreasonably low because the baseline of emission is very low
25 compared to other fuels; and

26 WHEREAS, The EPA has the opportunity to modify the onerous
27 requirements based on comments it receives while being faithful
28 to its legal obligations; therefore be it

29 RESOLVED, That the House of Representatives of the
30 Commonwealth of Pennsylvania memorialize the United States

Environmental Protection Agency to revise the Boiler MACT rule
to:

(1) Use a method to set emissions standards that is
based on what real-world best performing units can achieve
for all regulated HAPs and that reflects the variability that
occurs in real-world, best performing boilers.

(2) Be reflective of other available data beyond the top
performing units so as to paint a more realistic picture of
boiler performance for each HAP and subcategory.

(3) Allow for the use of section 112(d)(4) of the Clean
Air Act on a facility-by-facility basis without unnecessarily
complicated procedures restricting its use.

(4) Revise its approach for biomass boilers to ensure
that these boilers are not penalized because they start with
a cleaner fuel;

and be it further

RESOLVED, That a copy of this resolution be transmitted to
Lisa P. Jackson, Administrator of the United States
Environmental Protection Agency, Ariel Rios Building, 1200
Pennsylvania Avenue, N.W., Washington, DC 20460.