C. L. "BUTCH" OTTER
GOVERNOR

August 12, 2010

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue
Washington, D.C. 20460-3300

Sent via U.S. mail and facsimile

Dear Administrator Jackson:

I am writing to express my concerns about the proposed Boiler Maximum Achievable Control Technology rule (Boiler MACT) for industrial, commercial and institutional boilers and process heaters published on June 4, 2010.

In this publication EPA estimates these rules will impose more than $10 billion of capital, monitoring and annualized maintenance costs on both small and large industries throughout the nation.

Idaho has some of the cleanest air in the nation and we take air quality and its effect on our citizens, as well as our breathtaking vistas throughout the state, very seriously. Currently Idaho has an unemployment rate of 8.8 percent, a high we have not seen since 1983. All large industries, small businesses, and local, county, and state governments are feeling the effects of the severe decline in the economy. Traditionally, western states tend to rebound slower from an economic decline than the eastern states and our current economic situation is no different.

I am concerned the combination of the depressed economy and all the new regulatory burdens being proposed by EPA, such as the Green House Gas Tailoring rule and the upcoming potential reduction in the ozone standard to name a few, could be devastating on Idaho businesses. I question why EPA is not employing all the flexibility of its authority. For instance, in the June 4, 2010, Boiler MACT rule, EPA requests comment on whether it should exercise its discretionary authority under 112(d)(4). This discretionary authority should be employed by EPA at all times, but especially during economic down times. This section of the rule would allow EPA to propose emission reductions that would be less economically burdensome on industries while still ensuring the protection of air quality for our citizens.

I urge you to use your discretionary authority under 112(d)(4), as was originally proposed in the 2004 Boiler MACT rule, to provide small business and larger industries with the flexibility they need to continue to protect air quality and to remain economically healthy for both Idaho and the nation.

As Always – Idaho, "Esto Perpetua"

C.L. "Butch" Otter
Governor of Idaho

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