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State, Local Clean Air Agencies Release Strategy for Regulating Hazardous Emissions from Industrial Facilities

(Washington, DC) – The National Association of Clean Air Agencies (NACAA) today announced the publication of *Reducing Hazardous Air Pollutants from Industrial Boilers: Model Permit Guidance*. This model will assist states and localities in filling the regulatory gap created by the Court's rejection of the U.S. Environmental Protection Agency's (EPA's) federal rules to control emissions of hazardous air pollutants – such as mercury, benzene, acetaldehyde and chromium – from the 3,000 industrial boilers located in every state in the country at sites ranging from refineries to paper mills to manufacturing plants.

Last June, the U.S. Court of Appeals vacated EPA's emission limits for the industrial boiler category (which includes industrial, commercial and institutional boilers and process heaters). Under Section 112 of the Clean Air Act, in the case of such a vacatur, responsibility for establishing the emission limits falls to state and local clean air agencies, which must set such standards on a case-by-case basis, consistent with the statutory requirements that EPA was to follow. Specifically, the law requires that the standards – known as Maximum Achievable Control Technology standards – be based on an average of the best-performing existing sources.

“This model is an important regulatory tool that will allow state and local clean air agencies to determine appropriate emission limits and permit conditions for industrial boilers without each engaging in their own time-consuming and costly data-collection efforts. Instead, NACAA has carefully compiled and analyzed the information necessary to identify recommended emission limits, effective controls, cost information, monitoring guidelines and other information that states and localities need to issue permits,” said Vinson Hellwig, Chief of the Michigan Department of Environmental Quality's Air Quality Division and Co-Chair of NACAA's Air Toxics Committee.

“NACAA's recommended limits would make significant strides in cleaning up the thousands of industrial boilers spread out across every state in the nation, which emit substantial quantities of hazardous air pollutants, many of which are known to cause cancer,” added NACAA's Executive Director S. William Becker. “Under NACAA's approach, which stays true to the statutory requirements for setting emission standards, up to 85 percent of these boilers would be required to take action to reduce

their emissions. Under the emission limits in EPA's vacated rule, in most instances, no emission reductions at all would have been required."

NACAA is the national association of air pollution control agencies in 53 states and territories and more than 165 metropolitan areas across the country. To view *Reducing Hazardous Air Pollutants from Industrial Boilers: Model Permit Guidance*, or for more information about NACAA, visit the association's web site at www.4cleanair.org.

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