



Issue brief

EPA Regulatory Relief Act

What is the EPA Regulatory Relief Act?

The proposed EPA Regulatory Relief Act is a bipartisan federal bill that would give the Environmental Protection Agency additional time to revise its proposed regulations (Boiler MACT) for emissions from industrial, commercial and institutional boilers. PA Chamber members and impacted industries nationwide expressed grave concern that the rules, as written, would cost billions without any measurable environmental benefit, threatening jobs and economic recovery.

Why is the legislation necessary?

Under EPA's proposed rule, all non-exempt industrial, commercial and institutional boilers, new or existing, that are used to produce steam, hot water or electricity, would be subject to either the major source MACT rule, the area source MACT rule, or possibly even the more stringent rule for solid waste incinerators. The proposed rule would require installation of air pollution control devices that will conflict with other existing control requirements. Due to the methodology EPA used, the Boiler MACT emission limits would be extremely burdensome, often approaching undetectable levels.

After receiving an onslaught of negative feedback on the unrealistic, unachievable rules, EPA acknowledged the flaws in the final rules, pointing to the quick court-ordered deadline for adoption. The agency requested an extension in December 2010. However, that extension was rejected by the courts, leading to the introduction of the proposed EPA Regulatory Relief Act.

What does the legislation do?

The measure would ensure that EPA is given more time to consider the widespread concerns of the regulated community by allowing the agency an additional 15 months to re-propose and finalize Maximum Achievable Control Technology regulations.

The legislation would direct EPA to ensure that the new rules are achievable by real-world boilers, process heaters and incinerators.

The bill would also extend compliance deadlines from three years to five years, which would give impacted industries time to comply while also spreading out the cost of compliance.

Additionally, the measure would clarify that renewable and carbon-neutral materials remain classified as fuel and not solid waste. This would ensure that no materials are unnecessarily disposed of in a landfill and that the energy content of many byproducts is not wasted.

PA Chamber position: *Support*

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