



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 08 2012

THE ADMINISTRATOR

The Honorable Kay Hagan
United States Senate
Washington, D.C. 20510

Dear Senator Hagan:

Thank you for your letter regarding the applicability of the EPA's air toxics standards for industrial boilers to major source boilers in North Carolina. As you know, the EPA is currently in the process of developing final national, federal standards for industrial boilers and responding to additional, useful information we have received during the public comment period on the reconsidered standards we proposed last December. We intend to finalize the standards this spring.

It is the EPA's understanding, based on conversations with staff from North Carolina's Department of Environment and Natural Resources, that existing major source boilers in North Carolina are required to meet air toxic emission limitations that, to comply with Section 112(j) of the Clean Air Act, were set by the State and incorporated into their permits prior to last year's promulgation of federal air toxics standards for industrial boilers.

For those existing major source boilers for which North Carolina issued permits in compliance with section 112(j), the State may provide up to eight years to transition to federal standards pursuant to section 112(j)(6). Thus, under the Clean Air Act, existing major source boilers with such limitations in their permits would have until at least 2018 to comply with the federal air toxics standards, unless the State sets an earlier deadline.

Again, thank you for your continued attention to this matter. It is important to ensure that we achieve these key public health standards in a way that is sensitive to legitimate needs of business interests. If you have additional questions, please feel free to contact me or have your staff contact Arvin Ganesan, Associate Administrator for Congressional and Intergovernmental Relations at (202)564-5200.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa P. Jackson".

Lisa P. Jackson