

**Congress of the United States**  
**Washington, DC 20515**

May 3, 2006

Stephen L. Johnson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

Dear Administrator Johnson:

Due to our longstanding support for increased ethanol production in the U.S., we strongly support EPA's preferred Option 1 with regard to the air permitting classifications for fuel ethanol plants (Docket No. EPA-HQ-OAR-2006-0089). EPA's Option 2 is the status quo and is not a viable option for our nation's growing renewable energy needs.

The current classification of fuel ethanol plants under the Clean Air Act unnecessarily constrains ethanol production because these plants are listed as "major emitting facilities" if they emit or have the potential to emit 100 tons-per-year or more of any pollutant subject to regulation under the Act. On the other hand, beverage alcohol plants, which utilize the same fermentation process as fuel ethanol plants, are categorized differently and are regulated only if such a facility emits or has the potential to emit 250 tons-per-year of such pollutants.

We fear this disparity is not only constraining our nation's much needed transition to alternative fuel sources, but is unwarranted because neither Congress in statute, nor the EPA in promulgating its PSD regulations has defined "chemical process plants" in a way that specifically identifies fuel ethanol production as being subject to the 100 tons-per-year threshold.

Congress has recognized the enormous role that domestically produced ethanol can play in reducing our dependence on foreign sources of oil with enactment of the renewable fuels standard in the Energy Policy Act of 2005. However, due to the differing classifications that EPA has given fuel ethanol and beverage alcohol plants, we believe a reclassification to treat both plants at the 250 ton-per-year classification is warranted.

Keep in mind, even under the 250 tons-per-year threshold, fuel ethanol plants would still be forced to abide by all the requirements of the Clean Air Act, including obtaining the necessary air quality permits, which would ensure that federal and state efforts to achieve national Ambient Air Quality Standards would not be compromised. Furthermore, new and expanded fuel ethanol plants will continue to use the latest emission controls that the EPA considers to be the best available control technology (BACT). These safeguards will ensure that existing state and federal rules will continue to protect the public health and safety, as well as the environment.

Increased renewable energy sources are key components to our nation's energy security. We therefore respectfully ask that you take our views into consideration as this rule is finalized under the formal rulemaking process.

Sincerely,

John H. ...

E. Benjamin Johnson

Sam Brandhuber

Rick Lugar

Chris ...

Mark Kennedy

Noah Coleman

George V. Voinovich

Byron ...

...

Jim Talent

Art Bond

Sally ...

Leonard ...

John Klein

Ed Johnson

Chuck Grassley

Jeff Flake

P. L. Smith

Tom Tatham

Jerry Moran

Lane Evans

Jerry Moran

Jim Leach

John Shal <sup>IL-19</sup>

Jim Nease

Gil Gutknecht

Tom Harkin

Kent Conrad

Steve King

Ray Hood

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Stephanie Smith

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Ken Salazar

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