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EPA Docket Center

Docket ID Nos.

EPA-HQ-OAR-2009-0234 (NESHAP)

EPA-HQ-OAR-2011-0044 (NSPS)

Environmental Protection Agency

1200 Pennsylvania Ave. NW

Washington, D.C. 20460

RE: Proposed Air Pollution Control Standards

Dear Administrator Jackson:

Citizens Campaign for the Environment (CCE) is a non-profit, non-partisan advocacy organization with over 80,000 members in New York State and Connecticut. CCE operates six regional offices to empower communities and advocate solutions that protect public health and our environment. CCE works to reduce harmful toxic pollution to protect public health and our shared environment. CCE has advocated for strong rules to reduce mercury emissions from fossil fueled power plants and other sources for more than a decade. CCE also served on the persistent bio-accumulative toxic reduction team of the Great Lakes Regional Collaboration.

CCE has found overwhelming public support for the EPA's proposed toxic rule. This support is illustrated by the 32,000 CCE members and supporters who have signed petitions and written 5,300 letters to the EPA expressing their support of the EPA's proposed measure.

CCE strongly supports national emission standards for hazardous air pollutants for new and existing coal and oil-fired power plants in the United States (*hereafter "toxics rule"*). Reducing mercury and other toxic emissions from fossil fueled power plants is long overdue, and CCE strongly supports the swift adoption and implementation of the proposed toxics rule. CCE also supports the EPA's decision to require emissions reductions of toxics from all fossil-fuel-fired electric utility steam generating units in the toxics rule.

CCE opposed EPA's 2004 Clean Air Mercury Rule, as it would have had a disproportionate negative impact on communities close to power plants. Instead of addressing the overarching health concerns that prompted the original proposal, the cap and trade system would have made it possible for utilities to trade poison from one community to another for a profit. **CCE strongly supports EPA's decision to not include a cap and trade program in the proposed toxics rule.**

Mercury is a bio-accumulative persistent toxic heavy metal classified as a Hazardous Air Pollutant (HAP) under the Clean Air Act. Long term mercury exposure is linked to severe developmental disabilities and cardiovascular disease in humans. As a result of industrialization, mercury levels in our environment have more than tripled. Mercury is a toxic heavy metal that reacts with water to create *methylmercury*- a dangerous organic compound with a bio-accumulative property, meaning that is absorbed by live tissue and never fully leaves the body. Methylmercury works its way up the food chain until it is ultimately consumed by humans – most commonly through contaminated seafood. In New York, sixty-three bodies of water are under a fish consumption advisory because of mercury. Birds and mammals that eat fish are showing effects from mercury poisoning, such as behavioral and reproductive changes. Current EPA estimates show that more than 300,000 newborns in the U.S. are born with unsafe levels of mercury in their system every year.

The EPA has identified coal and oil-fired power plants as the primary contributor to mercury contamination in our environment. Almost half of all coal and oil-fired power plants in the U.S. are lacking advanced pollution control equipment. CCE supports EPA's proposed national emissions standards for hazardous air pollutants (NESHAP) from fossil-fuel-fired power plants under Clean Air Act (CAA) section 112(d) and revised new source performance (NSPS) standards under CAA section 111(b). These standards will set numerical limitations for emissions of mercury and other hazardous air pollutants, and require the use of maximum achievable control technologies (MACT) to reduce mercury emissions by up to 91% by 2016. The current pollution control technology is widely available and proven effective.

CCE supports EPA's regulations to curb emissions of toxics across all categories of fossil-fuel-fired electric utility steam generating units (EGUs). A uniform set of emissions standards for hazardous air pollutants will create billions of dollars in human health benefits by reducing exposure to mercury, arsenic, chromium and nickel; and acid gasses like hydrogen chloride (HCl). Uniform emissions standards will also create much needed skilled labor jobs for the installation and maintenance of new infrastructure. On June 14, 2011, the Economic Policy Institute released a report that detailed how the toxics rule would positively impact job growth in the U.S. The report details that the proposed toxics rule would create an estimated 56,000 direct jobs through the development and installation of pollution abatement and control technologies; and approximately 35,000 indirect jobs in supplier industries such as steel and related industries.

CCE strongly supports the EPA's rule generally, and offers the following specific comments related to the proposed rules:

The proposed rule specifies no separate standards during periods of startup, shutdown, or malfunction (SSM). **CCE agrees that the standards in the proposed rule should apply at all times.** A uniform set of requirements is necessary to ensure proper compliance with the proposed rule.

DEFINITIONS

CCE supports the following definitions:

- An EGU be capable of combusting more than 73 MWe (250 MMBtu/hr) heat input of coal or oil to be subject to the proposed rule. Additionally, an EGU must have fired coal or oil for more than 10% of the average annual heat input during the previous three calendar years OR more than 15% during any one of those calendar years to be subject to the rule.
- Any cogeneration facility that sells electricity to any power distribution system equal to or more than 1/3 of their potential electric output capacity is considered an EGU, if it meets the proposed definition of fossil-fuel-fired. Would also apply to any cogeneration facility capable of combusting enough coal or oil to generate 25 MWe from fossil fuels alone.
- Any units subject to Boiler NESHAP that increase their electricity output supply to meet peak energy demand to the extent that they meet the EGU cogeneration criteria should be subject to the proposed EGU NESHAP for a six month period from the initial increase of production.
- Defining coal refuse as a fuel source for an EGU and subject to NESHAP. In February of 2011, the EPA determined that unless processed coal refuse is discarded, it cannot be considered solid waste under the Non-Hazardous Solid Waste Definition Rule. Therefore, if a unit combusts coal by-products, it should be subject to regulation under CAA section 129 – Solid Waste Combustion Rule.

EMISSIONS LIMITATIONS FOR COAL-FIRED AND SOLID OIL-DERIVED FUEL FIRED EGUS

CCE supports the following emissions limitations

- Existing coal fired units designed for coal generating greater than or equal to 8,300 Btu/lb would be limited to .30 lb/MWh for total particulate matter (TPM), .020 lb/MWh for hydrogen chloride (HCl), and .008 lb/GWh for mercury (Hg). New units would be limited to .050 lb/MWh for TPM, .30 lb/GWh for HCl, and .000010 lb/GWh for Hg.
- Existing coal-fired units designed for coal less than or equal to 8,300 Btu/lb would be limited to .30 lb/MWh for tpm, .020 lb/MWh for HCl, and .20 lb/GWh for Hg. New units would be limited to .050 lb/MWh for TPM, .30 lb/GWh for HCl, and .040 lb/GWh for Hg.

- Existing Integrated Gasification Combined Cycle (IGCC) units would be limited to .30 lb/MWh for TPM, .0030 lb/MWh for HCl, and .020 lb/GWh for Hg. New units would be limited to .050 lb/MWh for TPM, .30 lb/GWh for HCl, and .000010 lb/GWh for Hg.
- Existing units combusting solid oil-derived fuel be limited to 2.0 lb/MWh for TPM, .080 lb/MWh for HCl, and .0020 lb/GWh for Hg. New units to be limited to .050 lb/MWh for TPM, .00030 lb/MWh for HCl, and .0020 lb/GWh for Hg.

EMISSIONS LIMITATIONS FOR LIQUID OIL-FIRED EGUS

CCE supports the following emissions limitations

- Existing liquid oil-fired EGUs would be limited to .00030 lb/MWh for total HAP metals, .0030 lb/MWh for HCl, and .0020 lb/MWh for hydrogen fluoride gas (HFI). New units would be limited to .00040 lb/MWh for total HAPs, .00050 lb/MWh for HCl, and .00050 lb/MWh of HFI.

TESTING AND COMPLIANCE

CCE supports the following testing and compliance regulations

- Requiring owner/operators of affected coal or oil-fired plants to conduct performance tests that demonstrate compliance of applicable emissions limits.
- Requiring coal-fired, IGCC and solid oil-derived fuel-fired units to conduct HAP metals and particulate matter (PM) testing at least every 5 years, using the current process outlined by EPA Methods 29, 5, and 202. Additionally, units that have elected to comply with the HAP metals emission limits instead of total PM emissions limits would be required to conduct total or individual HAP emissions testing every 2 months to demonstrate continuous compliance.
- Requiring liquid oil-fired units to conduct additional performance testing for mercury on an annual basis; conduct additional performance tests for HAP metals and acid gasses every two months for units that have emissions controls, and monthly for units that do not.

CCE believes it is the intent of the Clean Air Act to improve air quality and public health by stringently regulating mercury emissions from dirty fossil fuel-fired utilities. CCE supports the EPA's proposal to implement emissions standards to reduce harmful toxics unilaterally across the coal and oil fired electric generating industry. Implementation of the proposed toxic rule will provide enormous public health and environmental benefits, while creating jobs. CCE urges the EPA to adopt and implement the proposed toxics rule as soon as possible. Thank you for your thoughtful consideration of our comments.

Respectfully submitted,

Adrienne Esposito
Executive Director