

2547



AN ASSOCIATION OF INDEPENDENT POWER PRODUCERS IN THE ANTHRACITE AND BITUMINOUS REGIONS OF PENNSYLVANIA

August 24, 2006

**REPLY TO:**

- Executive Director
- President

**ARIPPA**

2015 Chestnut Street  
 Camp Hill, PA 17011  
 (717) 763-7635  
 (717) 763-7455 Fax

**Members:**

- Cambria CoGen Company  
Ebensburg, PA
- Ebensburg Power Company  
Ebensburg, PA
- Gilberton Power Company  
Frackville, PA
- Inter-Power/Ahicon Partners, L.P.  
Colver, PA
- Northampton Generating Co., L.P.  
Northampton, PA
- Northeastern Power Company  
McAdoo, PA
- Panther Creek Partners  
Nesquehoning, PA
- Piney Creek L.P.  
Clarion, PA
- Reliant Energy - Seward Station  
New Florence, PA
- Schuylkill Energy Resources, Inc.  
Shenandoah, PA
- Scrubgrass Generating Co., L.P.  
Kennerdell, PA
- Wheelabrator Frackville Energy Co.  
Frackville, PA
- WPS Westwood Generation, LLC  
Tremont, PA

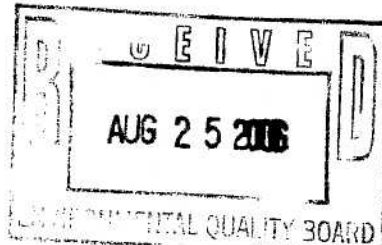
SENT VIA OVERNIGHT MAIL AND E-MAIL  
 Environmental Quality Board  
 P.O. Box 8477  
 Harrisburg, PA 17105-8477

RECEIVED  
 2006 AUG 29 AM 10:57  
 INDEPENDENT REGULATORY  
 REVIEW COMMISSION

Re: Proposed Rulemaking – Mercury Emission  
 Standards  
 25 Pa. Code Chapter 123

Dear Chair and Members of the Environmental Quality  
 Board:

ARIPPA, on behalf of its member companies, hereby provides comments to the PA Environmental Quality Board (the "Board") concerning the above referenced proposed rulemaking. ARIPPA provides these comments concerning the Department's proposal to regulate mercury emissions from coal-fired electric generating units ("EGU") or cogeneration units, published in the *Pennsylvania Bulletin* on June 24, 2006, 36 Pa.B. 3185 (the "Proposed Mercury Regulation"). The Proposed Mercury Regulation would establish a state-specific mercury control program for EGUs, distinct in significant respect from the federal Clean Air Mercury Rule ("CAMR").



## **I. Historical significance and background:**

For nearly two centuries coal has been mined in Pennsylvania. Coal mining operations continue today and will likely continue for at least another century in Pennsylvania. In the past, coal that was very low in heat content (BTU's) and accordingly undesirable in the marketplace was randomly discarded all across Pennsylvania's landscape. This "waste coal" accumulated and lay idle on thousands of acres of land...land that possessed a variety of aesthetic, useful, and beneficial qualities. Over time wind, rain, and other naturally occurring environmental conditions caused the piles of "waste coal" to alter and/or expand their "environmental fingerprint" on the Commonwealth's limited land resources.

A few decades ago with technological advancements and support from government and investors a beneficial use was finally developed to utilize "waste coal" in quantity. This beneficial use today generates electricity to meet the energy needs of hundreds of thousands of Pennsylvania households. Utilizing waste coal from current and past mining activities while returning thousands of acres of our land, formerly hidden under tons of an "idle waste", back to its natural beauty and usefulness makes electricity generated from waste coal truly unique. Understanding the unique environmental advantages of the continued beneficial use of waste coal is not only pivotal to understanding the motives behind our comments listed below but also the true partnership our industry shares with the goals and ideals of the PA Department of Environmental Resources. Accordingly we ask and appreciate your special attention to our industry, its comments, and concerns for the future of Pennsylvania.

## II. Description of ARIPPA Member Facilities:

ARIPPA is a trade association comprised of fourteen (14) waste coal-fired electric generating plants located in both the anthracite and bituminous regions of Pennsylvania. ARIPPA's fourteen member facilities constitute the overwhelming majority of the waste coal power production industry in the country. Each of the ARIPPA member facilities uses a stationary coal-fired boiler (CFB) that serves a generator with a nameplate capacity of more than 25 MWe and produces electricity for sale. Accordingly, ARIPPA members would qualify as EGUs under Section 123.202 of the Proposed Mercury Regulation.

The ARIPPA facilities provide a unique environmental benefit in Pennsylvania by burning waste coal as fuel and utilizing circulating fluidized bed ("CFB") technology. ARIPPA facilities utilize coal refuse from both past and current mining activities, and thereby reclaim abandoned strip mines and abate acid mine drainage from waste coal piles at no cost to Pennsylvania taxpayers. By combusting waste coal piles, ARIPPA members are removing one of the principal sources of contamination to surface water and groundwater in Pennsylvania.

In addition to the environmental benefits resulting from the combustion of waste coal, ARIPPA facilities have minimized the air emissions traditionally associated with coal-fired electricity generation by incorporating state-of-the-art, clean coal technology utilizing CFB boilers. Because the CFB units are designed as inherently clean burning sources of electricity, they emit mercury and other air pollutants, at significantly reduced rates relative to conventional coal-fired utility units.

Of particular relevance to the Proposed Mercury Regulation, ARIPPA's facilities utilize the most effective, proven technology for the control of mercury

contained in a solid fuel source. The CFB technology achieves a degree of adsorption in the combustion zone that allows for the capture of almost all mercury present in the fuel within the ash stream. The relatively elevated concentration of chlorine in the combustion zone further contributes to the adsorption. ARIPPA facilities then utilize effective emission control technology to capture this ash (particulate) stream that has adsorbed the mercury, thereby preventing the emission of mercury to the atmosphere. Moreover, the nature of the composite ash product ensures that the mercury is bound in a chemical complex within the ash, preventing any significant leaching of the mercury to soils or groundwater.

As a result of these technologies, ARIPPA facilities have demonstrated mercury emission control well in excess of 90%. Not only does this degree of control significantly exceed the ultimate objectives of the federal CAMR program, it also constitutes a level of performance that materially exceeds the Department's objectives under the Proposed Mercury Regulation.

ARIPPA does not oppose the promulgation of stringent state-specific mercury control regulations to ensure the adequate protection of human health and the environment within the Commonwealth. However, ARIPPA requests that the application of these regulations be equitable and consistent, and not unduly burden waste-coal fired sources because of their higher degree of performance and more effective mercury control technology.

ARIPPA requests that the members of the Board consider both the unique nature of the CFB technology employed by the ARIPPA facilities, and the environmental benefit that these companies provide to the Commonwealth by combusting waste coal as they review the following comments on the Proposed Mercury Regulation:

### III. Suggested Amendments/Specific Comments:

- 1) **AMEND:** Sections 123.205(c)(1)(ii)(A) and 123.205(c)(2)(ii)(A). The proposed mercury emission standard of 0.0058 pounds per GWh for existing CFB EGUs is unduly stringent.

CFB units are clean-burning sources of electricity. Indeed, they achieve greater mercury emission control than any other category of sources covered by the Proposed Mercury Regulation. Nevertheless, existing CFB EGUs are subject to the most stringent mercury emission standards under the Proposed Mercury Regulation. Because CFB units, including those used by the ARIPPA member facilities, are inherently clean-burning and already utilize fabric filter technology to control particulate matter emissions, they cannot be effectively modified to achieve further mercury emission control. Although the technology utilized by the ARIPPA facilities is the most effective at reducing mercury emissions, certain ARIPPA facilities have not demonstrated the ability to comply with the proposed mercury emission standard of 0.0058 pounds per GWh identified in the Proposed Mercury Regulation, and cannot efficiently and effectively achieve further mercury control through available control system modifications.

Moreover, at the time that the Department published the Proposed Mercury Regulation, the federal CAMR included an excessively stringent mercury emission standard for new or reconstructed waste coal-fired sources of 0.0014 lbs/GWh. Based upon its consideration of additional available data for this source category, EPA subsequently promulgated a revised version of CAMR, adjusting the mercury emission limitation imposed upon new or reconstructed waste coal-fired EGUs to 0.016 lbs/GWh.

ARIPPA believes that the Department should derive the mercury emission standard for existing waste coal-fired EGUs for inclusion in the Proposed Mercury Regulation based, in significant part, upon the emission limitation promulgated by EPA for new and reconstructed waste coal-fired sources. Consistent with EPA's determination to appropriately amend the federal CAMR emission standard for new and reconstructed waste coal-fired EGUs, the Board should similarly revise the proposed mercury emission standard to be imposed upon existing waste coal-fired EGUs through the Proposed Mercury Regulation.

**ARIPPA specifically proposes that the Board revise the proposed mercury emission standard for existing waste coal-fired EGUs to 0.0096 lbs/GWh.** These proposed revisions would be made to proposed 25 Pa. Code Section 123.205(c)(1)(ii)(A) and 123.205(c)(2)(ii)(A). This value would ensure consistency with the approach reflected in the Proposed Mercury Regulation for bituminous coal-fired sources. Specifically, the Proposed Mercury Regulation includes a proposed ultimate emission limitation, within Phase II of the regulatory program, of 0.012 lbs/GWh for existing bituminous coal-fired sources. This value represents 60% of the emission limitation established for new and reconstructed bituminous-fired EGUs through the federal CAMR. **Likewise, ARIPPA proposes a mercury emission limitation for existing waste coal-fired sources of 60% of the emission limitation established for new waste coal-fired sources through the federal CAMR. However, ARIPPA proposes that this emission limitation would apply under both Phase I and Phase II of the Board's state-specific mercury control regulation.** Therefore, although the Proposed Mercury Regulation would establish a mercury emission limitation for bituminous coal-fired EGUs during Phase I of the regulatory program equivalent to 120% of the emission limitation established under the federal CAMR for new or reconstructed bituminous coal-fired sources, ARIPPA proposes that the emission limitation imposed through the Proposed Mercury Regulation upon

waste coal-fired EGUs in Pennsylvania would be equivalent to 60% of the federal emission standard for new or reconstructed sources.

The revisions to the federal CAMR emission standard for waste coal-fired sources reflect the consideration of additional data, and actually constitute a conservative interpretation of that data based upon EPA's incorrect assessment of the heat content of waste coal. Notwithstanding the conservative nature of this federal emission standard, ARIPPA nonetheless would accept a state-specific standard that is proportionate to the limits imposed under the Proposed Mercury Regulation for bituminous coal-fired sources, relative to the limits reflected in the federal CAMR program.

Therefore, ARIPPA requests that Sections **123.205(c)(1)(ii)(A) and 123.205(c)(2)(ii)(A)** of the Proposed Mercury Regulation **be modified to require a mercury emission standard of 0.0096 pounds per GWh for existing CFB EGUs.**

**2) AMEND: Section 123.205. The percent reduction standards for new and existing EGUs should be specifically linked to the use of the ASTM method for determining fuel mercury content.**

The Proposed Mercury Regulation appropriately provides new and existing EGUs the option to comply with either a mercury emission standard or a percent reduction standard for total mercury. ARIPPA supports both this alternative compliance demonstration option and the specific percent reduction standards identified in the Proposed Mercury Regulation. **Therefore, ARIPPA requests that Section 123.205 of the Proposed Mercury Regulation be modified to provide that compliance with the percent reduction standards for new and existing EGUs require the use of the ASTM method for determining fuel mercury content.** In the alternative, the Proposed Mercury

Regulations should be modified to provide that the percent reduction standards will be adjusted if a different methodology is used in the future to calculate fuel mercury content.

3) **AMEND: Section 123.206(b). The Proposed Mercury Regulation should provide that the use of CFB Technology with fabric filter control also qualifies as presumptive compliance with the Phase I mercury emission control standards.**

The Proposed Mercury Regulation currently provides that an affected source is presumed to be in compliance with Phase I mercury emission control requirements if the combustion and control system includes wet flue gas desulphurization and a coal-side electrostatic precipitator or baghouse. ARIPPA does not object to the Board's determination to establish presumptive compliance standards based upon specific technology determined by the Board to be effective to control mercury. However, to the extent that the Proposed Mercury regulation provides that the use of specific technology constitutes presumptive compliance with the mercury control standard, then such approach must clearly acknowledge the use of technology proving to be even more effective at controlling mercury emissions.

As the Department is aware and has on occasion acknowledged, CFB combustion with fabric filter control technology has been proven to achieve even greater mercury emission control than wet flue gas desulphurization with either coal-side ESP or baghouse technology. Indeed, it is because of the demonstrated effectiveness of CFB and fabric filter control technology that the Board has proposed to impose the most stringent emission control standard on waste coal-fired CFB units.



In publishing the Proposed Mercury Regulation, the Board suggests that insufficient data may have been available to identify CFB combustion with fabric filter control as a presumptively compliant technology for purposes of Phase I. However, since publication of the Proposed Mercury Regulation, additional data has been submitted to EPA in the context of its reconsideration of CAMR. A copy of that additional information is attached for the Board's reference. This additional data clearly provides sufficient information for the Department to justifiably determine that the use of CFB combustion with fabric filter control technology should qualify as a presumptively compliant technology for purposes of Phase I of the Proposed Mercury Regulation.

Therefore, ARIPPA proposes that **Section 123.206(B) of the Proposed Mercury Regulation be modified to acknowledge that the use of CFB combustion with fabric filter control technology qualifies for presumptive compliance with the mercury emission control standard.** This modification could be accomplished with the following proposed change in regulatory language:

§ 123.206(b) Compliance requirements for the emission standards for coal-fired EGUs.

(b) The owner or operator of an existing EGU combusting 100% bituminous coal, waste coal, or any approved noncoal fuels which is ~~controlled by an air pollution control device~~ has a configuration of:

- (1) A PCF EGU controlled by a CS-ESP or FF and a WFGD will be presumed to be in compliance with the emission standard requirements of § 123.205(c)(1) without any additional compliance demonstrations.

- (2) A CFB EGU controlled by a CS-ESP or FF and utilizing alkaline sorbent injection for acid gas control will be presumed to be in compliance with the emission standard requirements of 123.205(c)(1) without any additional compliance demonstrations.
- (3) A PCF EGU controlled by an SCR, CS-ESP or FF and WFGD will be presumed to be in compliance with the emission standard requirements of § 123.205(c)(2) without additional compliance demonstrations if the design space velocity of the SCR catalyst is no more than 3000 hr<sup>-1</sup>.
- (4) A CFB EGU controlled by a CS-ESP or FF and utilizing alkaline sorbent injection for acid gas control (alone or in conjunction with any other control technology) will be presumed to be in compliance with the emission standard requirements of 123.205(c)(2) without any additional compliance demonstrations.

**4) AMEND: Section 123.207(e)(1). The Proposed Mercury Regulation should provide for the use of non-acid rain data in calculating the baseline heat input for the purpose of determining the maximum allowances set aside for existing CFB EGUs.**

Congress exempted certain independent power producers, including the ARIPPA member facilities, from the acid rain program promulgated under Title IV of the Clean Air Act (the "acid rain program"). The statutory exemption reflected Congressional recognition that these independent power producers are clean sources of energy that face unique economic constraints due to their inability to pass on the cost of post-contract environmental compliance measures to consumers.

The Proposed Mercury Regulation provides that, in determining the maximum number of annual nontradable mercury allowances set aside, the

baseline heat input for each existing affected CFB will be the average of the three highest annual heat input values for the source, using the heat input data for the CFB from the Department's acid rain database. However, certain of the EGUs proposed to be governed by the Proposed Mercury Regulation are independent power producers that are exempt from the acid rain program. Accordingly, then heat input data is not included within the Department's acid rain program.

Therefore, ARIPPA requests that Section 123.207(e)(1) of the Proposed Mercury Regulation be modified to provide for the use of existing heat input data -- other than data submitted to the Department to satisfy the requirements of the acid rain program -- in calculating the baseline heat input for the purpose of determining the maximum number of annual nontradable mercury allowances set aside for existing CFB EGUs that were not subject to the acid rain program.

5) **AMEND: Section 123.209(g)(2).** In allocating mercury allowances from the annual emission limit supplement pool, the Department should give preference to owners or operators of existing affected CFB EGUs that combust primarily waste coal-fuel.

The Proposed Mercury Regulation establishes a priority scheme for distributing supplemental annual nontradable mercury allowances from the annual emission limit supplement pool. Under this scheme, the Department gives preference to owners and operators of existing CFB EGUs that combust 100 percent waste coal. ARIPPA supports the Board's determination to ensure that those sources subject to the most stringent mercury emission control standard and achieving the highest degree of mercury control should have the first opportunity to receive supplemental allowances.

However, in order to properly effectuate this objective, the Proposed Mercury Regulation should be slightly modified to acknowledge that many waste coal-fired CFBs currently combust a small percentage of auxiliary/alternate fuels. Also the Department has encouraged ARIPPA facilities to expand the use of alternate fuels for combustion in CFB units. Therefore, ARIPPA requests that Section 123.209(g)(2) of the Proposed Mercury Regulation be modified to provide that existing CFB EGUs that combust primarily waste-coal fuel shall receive the initial opportunity to secure allowances under the supplement allowance distribution pool.

**6) AMEND: Sections 123.210 and 123.215 should be clarified to ensure that the low emitter provisions of CAMR can be used to satisfy the general monitoring, reporting and recordkeeping requirements of the Proposed Mercury Regulation.**

ARIPPA understands that the Department *intends to permit* owners or operators of affected EGUs that emit no more than 464 ounces of mercury per year to use the low emitter provisions of CAMR to satisfy the general monitoring and reporting requirements of the Proposed Mercury Regulation. In this context, the Proposed Mercury Regulation provides that owners or operators of affected EGUs that emit 464 ounces (29 pounds) or less of mercury per year (1) shall meet the general operating requirements in 40 CFR § 75.10 for continuous emission monitors described in 40 CFR § 75.81(a)(2) and (4); (2) shall perform mercury emissions testing for initial certification and ongoing quality assurance, as described in 40 CFR § 75.81(c) - (e); and (3) may demonstrate compliance with the percent control requirements by averaging the coal mercury content and stack emission data collected during the rolling 12-month period. Although ARIPPA believes that the language of Proposed Mercury Regulation is consistent with the Department's objective, ARIPPA believes that the proposed language is susceptible to an alternative interpretation.

In calculating appropriate percent mercury reduction standards as alternative compliance options, the Department determined fuel mercury content based on the application of the current ASTM method. To the extent that this specific method is subsequently displaced by a new method, and it is determined that the ASTM method did not accurately determine the mercury concentration in fuels, and the specific percent reduction standard included in the regulations would be inappropriate as the alternative compliance standard. The inaccuracy can result in unduly stringent or unduly lenient control requirements, depending upon the direction and magnitude of the inaccuracy.

Therefore, ARIPPA requests that **Section 123.210 of the Proposed Mercury Regulation be slightly modified, as follows to avoid any ambiguity in this regard:**

**§ 123.210 General monitoring and reporting requirements.**

(a) Except as provided in subsection (c), the owner or operator of a new EGU subject to the requirements of this section and §§ 123.201—123.209 and 123.211—123.215 shall demonstrate compliance with §§ 123.205 and 123.207 . . . by installing and operating a continuous emissions monitoring system to measure, record and report the concentration of mercury in the exhaust gases from each stack.

(c) For an affected EGU that emits 464 ounces (29 lbs) or less of mercury per year (a designated low mass emitter), the owner or operator of the affected EGU:

(1) Shall meet the general operating requirements in 40 CFR § 75.10 (relating to general operating requirements) for the continuous emission monitors

described in 40 CFR 75.81(a)(2) and (4) (relating to monitoring of flow Hg mass emissions and heat input at the unit level).

(2) Shall perform mercury emissions testing for the initial certification and ongoing quality assurance as described in 40 CFR 75.81(c)--(e).

(3) May demonstrate compliance with the percent control requirements by averaging the coal mercury content and stack emission data collected during the rolling 12-month period.

(4) If, at the end of any calendar year, the cumulative annual Hg mass emissions have exceeded 464 ounces from an affected unit monitoring emissions pursuant to subparagraph (c)(1), the owner or operator of such unit shall install, certify, operate, and maintain a Hg concentration monitoring system or a sorbent trap monitoring system within 180 days following the end of the calendar year in which the annual mass Hg emissions exceeded 464 ounces.

(5) If, during the most recent calendar year, an affected unit that is using a Hg concentration monitoring system or a sorbent trap monitoring system (including an affected unit that has installed such monitoring system pursuant to subparagraph (c)(4)) has emitted no more than 464 ounces of mercury, the owner or operator may elect to satisfy the general monitoring and reporting requirements of this section by complying with subsection (c).

(d)(1) Except as provided in subsection (c), the owner or operator of each EGU shall:

...

### **123.215**

Similarly, ARIPPA requests that the recordkeeping and reporting requirements in Section 123.215 (c) of the Proposed Mercury Regulation be modified to reflect the compliance demonstration obligations imposed under CAMR's low emitter monitoring provisions, as follows:

§ 123.215. (c) Except as provided in §123.210 (c) (relating to general monitoring and reporting requirements), tThe owner or operator of an affected EGU.....

#### IV. CONCLUSION:

ARIPPA appreciates the opportunity to provide these comments to the Board on the Proposed Mercury Regulation. We look forward to continued participation with the Board and the Department in further proceedings concerning the Proposed Mercury Regulation. ARIPPA would welcome the opportunity to provide any additional information that the Board may require to fully evaluate these comments. Please feel free to contact me at any time at jamcnelly1@arippa.org, phone: (717) 763-7635, address: 2015 Chestnut Street, Camp Hill, PA 17011 should the Board or Department require additional information. Thank you for your consideration.

Very truly yours,



Jeff A McNelly  
Executive Director

cc: John Slade  
Krish Ramamurthy  
Bart Cassidy, Esquire  
Fred Osman, Technical Consultant

**Table 1 – Summary of Demonstrated Control Efficiencies**  
**Contemporaneous Fuel Data Each Run**

Facility	Date/Run	Demonstrated Control
Wheelabrator	2/26/04 Run 1	96.64%
	2/26/04 Run 2	97.05%
	2/26/04 Run 3	86.21%
	2/26/04 Run 4	99.13%
Kline Twp.	10/28/99 Run 1	99.84%
	10/28/99 Run 2	99.89%
	10/28/99 Run 3	99.87%
Ebensburg	11/11/04 Run 1	99.92%
	11/11/04 Run 2	99.82%
	11/11/04 Run 3	99.996%
Ebensburg	10/29/03 Run 1	96.79%
	10/29/03 Run 2	94.16%
	10/29/03 Run 3	97.11%
Scrubgrass	1999 Run 1	99.75%
	1999 Run 2	99.77%



	1999 Run 3	99.80%
--	------------	--------

<sup>1</sup> It should be noted that some of these calculations resulted in slightly different results than the results reported in the original stack test reports. The stack testing consultants typically used general Fc factors to calculate heat input. While this approach generally results in only small differences from the complete combustion analysis we employed, these small variations can result in significant differences in the control efficiency calculation as control efficiencies approach 100%.

**Table 2 --. Summary of Demonstrated Control Efficiencies  
Contemporaneous Fuel Data Each Test**

Facility	Date/Run	Demonstrated Control
Scrubgrass	3/2/2005 Run 1	99.53%
	3/2/2005 Run 2	98.36%
	3/2/2005 Run 3	99.82%
Cambria	4/4/2005 Run 1	99.32%
	4/4/2005 Run 2	99.34%
	4/4/2005 Run 3	99.57%
Ebensburg	7/19/05 Run 1	99.15%
	7/19/05 Run 2	99.73%
	7/19/05 Run 3	99.78%

Panther Creek <sup>1</sup>	5/6/2004 Blr 1 Run 1	99.83%
	5/6/2004 Blr 2 Run 1	99.95%
Piney Creek <sup>2</sup>	2/12/1999 Test Avg.	99.91%
Colver	4/22/04 Run 1	98.96%
	4/22/04 Run 2	99.16%
	4/22/04 Run 3	99.19%

---

<sup>1</sup> The Panther Creek test consisted of two runs on each boiler but two of the runs were below minimum detection limits and the detection limit was not listed in the report.

<sup>2</sup> The Piney Creek data did not include individual lbs/MMBtu output for each run so the entire test was used as a single data point.

**Summary: ARIPPA Comments: Proposed Rulemaking – Mercury Emission Standards**

**25 Pa. Code Chapters 123. TO: PA Environmental Quality Board August 24, 2006**

ARIPPA is a trade association comprised of fourteen (14) waste coal-fired electric generating plants located in both the anthracite and bituminous regions of Pennsylvania. ARIPPA's fourteen member facilities constitute the overwhelming majority of the waste coal power production industry in the country.

The ARIPPA facilities provide a unique environmental benefit in Pennsylvania by burning waste coal as fuel and utilizing state-of-the-art, clean coal technology boilers known as circulating fluidized bed ("CFB") technology. ARIPPA facilities utilize coal refuse from both past and current mining activities, and thereby reclaim abandoned strip mines and abate acid mine drainage from waste coal piles at no cost to Pennsylvania taxpayers. By combusting waste coal piles, ARIPPA members are removing one of the principal sources of contamination to surface water and groundwater in Pennsylvania.

ARIPPA requests that the members of the Board consider both the unique nature of the CFB technology employed by the ARIPPA facilities, and the environmental benefit that these companies provide to the Commonwealth by combusting waste coal as they review the following comments on the Proposed Mercury Regulation:

- 1) **Sections 123.205(c)(1)(ii)(A) and 123.205(c)(2)(ii)(A).** The proposed mercury emission standard of 0.0058 pounds per GWh for existing CFB EGUs is unduly stringent. *(ARIPPA requests that Sections 123.205(c)(1)(ii)(A) and 123.205(c)(2)(ii)(A) of the Proposed Mercury Regulation be modified to require a mercury emission standard of 0.0096 pounds per GWh for existing CFB EGUs)*
- 2) **Section 123.205.** The percent reduction standards for new and existing EGUs should be specifically linked to the use of the ASTM method for determining fuel mercury content.
- 3) **Section 123.206(b).** The Proposed Mercury Regulation should provide that the use of CFB Technology with fabric filter control also qualifies as presumptive compliance with the Phase I mercury emission control standards.
- 4) **Section 123.207(e) (1).** The Proposed Mercury Regulation should provide for the use of non-acid rain data in calculating the baseline heat input for the purpose of determining the maximum allowances set aside for existing CFB EGUs.
- 5) **Section 123.209(g) (2).** In allocating mercury allowances from the annual emission limit supplement pool, the Department should give preference to owners or operators of existing affected CFB EGUs that combust primarily waste coal-fuel.
- 6) **Sections 123.210 and 123.215** should be clarified to ensure that the low emitter provisions of CAMR can be used to satisfy the general monitoring, reporting and recordkeeping requirements of the Proposed Mercury Regulation.

Jeff A McNelly, Executive Director  
ARIPPA

2015 Chestnut Street Camp Hill PA 17011

Phone: 717 763 7635 Fax: 717 763 7455 Email: [jeff@arippa.org](mailto:jeff@arippa.org) Email: [arippa@arippa.org](mailto:arippa@arippa.org)

Web: [www.arippa.org](http://www.arippa.org)

