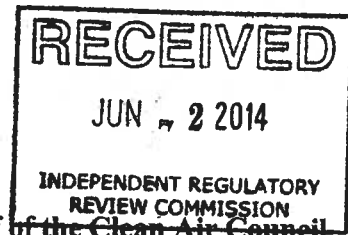


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Testimony of Russell Zerbo, Advocacy Coordinator, on behalf of the Clean Air Council

Before the Pennsylvania Environmental Quality Board on the Pennsylvania Department of Environmental Protection's Proposed Rulemaking, Additional RACT Requirements for Major Sources of NOx and VOCs, 44 Pa.B. 2392

May 28, 2014

Hello, my name is Russell Zerbo and I am the advocacy coordinator for the Clean Air Council. Clean Air Council is a non-profit environmental organization headquartered in Philadelphia, Pennsylvania. The Council has members throughout Pennsylvania. For more than 40 years, the Council has fought to improve air quality across the region. The Council's mission is to protect everyone's right to breathe clean air. Thank you for the opportunity to speak today.

The Council requests that the Pennsylvania Department of Environmental Protection (DEP) reconsider its determination that the amendments to Chapters 121 and 129 of Title 25 of the Pennsylvania Code, concerning requirements for major sources of oxides of nitrogen (NOx) and volatile organic compounds (VOCs), constitute reasonably available control technology (RACT).

Reactions between VOCs and NOx lead to the formation of ground-level ozone. Exposure to ozone pollution, even on a short-term basis, can cause damage to lungs and other related health issues. Inhaling ozone can trigger chest pains, coughing, nausea, throat irritation, and congestion. It can worsen bronchitis, heart disease, emphysema, and reduce lung capacity. Ozone can also aggravate asthma, causing more asthma attacks, increased use of medication, more medical treatment, and more frequent visits to hospital emergency clinics. Anyone spending time outdoors can be affected by ozone, particularly in the summer when ozone levels are highest. While children and the elderly are the most vulnerable, healthy people exercising outdoors are also at risk.

In order to meet the national ambient air quality standards (NAAQS) for ozone, DEP is required to submit state implementation plans (SIPs) for nonattainment areas that contain reasonably available control measures, including RACT, for sources whose emissions contribute to the formation of ozone. Further, DEP must re-evaluate what constitutes RACT each time a new ozone standard is promulgated. Given that RACT is defined as the lowest emission limitation that a particular source is capable of meeting by applying technology that is reasonably available, the DEP's present determination of RACT is deficient for two reasons.

First, DEP's estimate of compliance costs expected for coal-fired electric generating units (EGUs) in Pennsylvania is flawed and proposes NOx emission control technology that is inferior to what the majority of these units already have in place. Currently, coal-fired EGUs are the largest single source of NOx emissions in the state. By requiring coal-fired units to operate inexpensive, ineffective, and obsolete controls, the proposed rulemaking shifts the burden of NOx reductions to other sources. Any RACT determination for NOx in Pennsylvania should incorporate the controls already in place and reduction levels already achievable by coal-fired EGUs.

For example, in 1994 and 1995, in order to comply with DEP RACT requirements at the time, Brunner Island, a coal-fired EGU located in York County, installed low NOx burners. It does not follow that this now outdated technology can still qualify as RACT almost 20 years later. Pennsylvania's counties had a combined 485 orange ozone days last year. This number can easily be reduced if all coal-fired EGUs are required to either equip selective catalytic reduction, the most effective and efficient NOx control technology, or operate this technology at its highest capacity, which will reduce NOx emissions by 80 to 90%.

DEP's proposed RACT determination is also deficient because rolling, 30-day averaging conducted on a system-wide or facility-wide basis, is an inappropriate alternate compliance mechanism. This provision will simply allow the operator of a facility to run its pollution controls in an inconsistent and ineffective manner, causing large swings in NOx and VOC emissions. Accordingly, this will lead to spikes in ozone concentrations, depending on which facilities are using pollution controls and which facilities are not. DEP runs the risk of exposing certain Pennsylvanians, including those living in environmental justice communities, to a disproportionate amount of extra pollution. As I previously stated, significant impacts to human health can result from even short exposures to ozone. DEP should require emission reductions *at all sources* in a given system or facility, and measured in a manner that is consistent with the protections of human health intended by the NAAQS.

In summary, DEP must reconsider its determination that the proposed requirements in this rulemaking are RACT for purposes of controlling NOx and VOC emissions. DEP must also remove alternate compliance mechanisms that allow for the averaging of emissions on a facility- or system-wide basis. Otherwise, millions of Pennsylvanians living in areas already afflicted with substandard air quality will be further affected by even greater levels of ozone. Thank you.