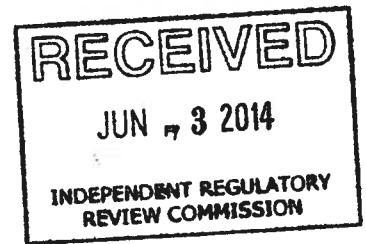


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**Testimony on Proposed Rulemaking
Additional RACT Requirements for Major Sources of NOx and VOCs
25 PA. CODE CHS. 121 AND 129
5/29/2012**

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Good afternoon, my name is Tom Schuster, my home address is 605 23rd Street, Windber, PA 15963. I am speaking this afternoon on behalf of the Sierra Club, which has over 24,500 members throughout the Commonwealth of Pennsylvania. In addition to my own comments today, I would like to submit 2,276 petition signatures from our members and supporters in the Commonwealth in favor of stronger controls on smog-causing emissions from coal-fired power plants.

The current proposal will allow unnecessarily high levels of smog to continue to endanger Pennsylvanians. Over 8 million people, or 2 of every 3 people in this state live in areas that do not meet federal standards for ground level ozone. That includes over 1.2 million seniors, 1.7 million children, and 750,000 asthma sufferers who are at increased risk of respiratory and cardiovascular problems, and even premature death from smog.

Coal-fired power plants are the largest single source of smog-causing NOx pollution in the state. Unfortunately, this plan does not adequately control these plants. The proposal would allow coal-fired power plants to emit between 0.25 and 0.45 lbs/MMbtu of NOx, depending on the size and type of the boiler. By applying these standards to the existing power plants in Pennsylvania, we determined that the eight largest plants combined, representing about 95% of the non-retiring coal-fired capacity in the state, would be allowed to emit nearly 132,000 tons/year of NOx.

How weak is this standard? The average actual NOx emissions of these same power plants over the last few years has been just under 93,000 tons/year. So under this standard, these plants could increase their emissions by over 40% on average and still comply with the law. This would clearly exacerbate our smog problem in Pennsylvania.

We also found evidence that most of these eight plants can cut their emissions significantly using technology already installed. Five of the eight plants have a technology called Selective Catalytic Reduction (SCR). A sixth is currently installing it, and when that project is complete, nearly 80% of the non-retiring coal-fired capacity in the state will be equipped with SCR. This technology is capable of lowering NOx emissions to about 0.05 lbs/MMbtu (or about 1/9 of the most permissive boiler category limit in this proposal). The Morgantown plant in Maryland is equipped with SCR and is achieving average annual NOx emission rates of 0.03 to 0.04 lbs/MMbtu. But all the plants in Pennsylvania with

SCR are currently emitting NOx at rates three to nine times higher than this, which indicates that they are either not operating their existing controls consistently, or are not operating them as effectively as they should be. They appear to be trying to save on operating costs, by passing the tab to us in the form of medical bills. This situation demonstrates that it is not enough for plants to simply have pollution controls. They must be required to run them effectively, and this proposal utterly fails to do that.

The NOx emissions limits are supposed to be based on Reasonably Available Control Technology. When nearly 80% of the generating capacity has SCR, any reasonable person would conclude that SCR is more than available, it is downright ubiquitous. But this proposal instead sets limits that are consistent with Low-NOx Burners, a far inferior control technology, which is not consistent with Clean Air Act requirements.

There are other problems with this proposal that are troubling. Power plant operators would be able to average NOx emission rates over 30 days, which is inconsistent with the 8-hour standard for smog pollution. This standard is intended to protect human health, which is impacted by even short-term exposure to smog. And as we all know, smog levels depend on weather as well as emissions. So under this proposal, a plant could emit very high levels of NOx on the worst smog day, and still be in compliance if it reduced its emissions some other time within 30 days.

Power plant operators are also allowed to average emissions over their entire fleet, even if the units are nowhere near each other. This can create pollution hotspots, where one community suffers from dirtier air than another and is completely unfair.

In summary, the proposal must be strengthened in the following ways:

1. NOx emission limits must be set at a level consistent with effective operation of Selective Catalytic Reduction, which is already commonplace in the Commonwealth.
2. Each coal plant must be responsible for reducing its pollution instead of allowing companies to group all of their plants together. Operators should not be allowed to pick and choose which communities get clean air.
3. The emission of high levels of smog-causing pollution on already bad air days must not be allowed. The only way to ensure compliance with the Clean Air Act is to set short term pollution limits for NOx.

Thank you for your time.