

**Oral Testimony of Dr. Paul J. Miller, Deputy Director
Northeast States for Coordinated Air Use Management**

**on U.S. Environmental Protection Agency's Proposed Rule on
Mercury and Air Toxics Standards for Electric Generating Units
(76 FR 24976-25147)
May 24, 2011
Philadelphia, PA**

Good morning, my name is Paul Miller. I am Deputy Director of the Northeast States for Coordinated Air Use Management. NESCAUM is an association of eight state air quality agencies in the Northeast, which includes the six New England states, New Jersey, and New York. I am speaking today on behalf of NESCAUM's member states on EPA's proposal to establish mercury and air toxics standards for coal and oil electric generating units.

The NESCAUM states are pleased to see that EPA's proposed mercury and air toxics standards improve upon the previously vacated Clean Air Mercury Rule and are better aligned with the statutory language of the Clean Air Act and sound public health policy.

For this hearing, I will focus on EPA's proposed maximum achievable control technology (MACT) standards for mercury. I would like to leave you with three main points from my testimony today:

1. First, a number of the NESCAUM states have already adopted tight mercury emission limits for coal-fired power plants as a matter of state law. In the majority of these states, the final mercury limits are substantially more stringent than EPA's proposal.

2. Second, these rules have been in effect for several years now, and pollution controls, both newly installed and previously existing, have a track record of demonstrated compliance with the states' mercury limits.
3. Third, based on the states' experience with their own rules and a recent NESCAUM control technology assessment, there are a number of demonstrated, commercially available, and cost effective control options for power plant owners to choose from that will greatly reduce mercury pollution, as well as emissions of the other air toxics covered under EPA's proposal. Experience also shows that these can be installed in most cases within the required Clean Air Act timeline.

From a public health perspective, the consumption of mercury-tainted fish is the primary route of exposure for most people. To address this public health concern, each NESCAUM state has established a "total maximum daily load" (TMDL) for mercury entering state waters pursuant to the federal Clean Water Act. These water quality standards are based on reducing mercury levels in fish caught in state waters and consumed by the public. The NESCAUM states project they will need a reduction in mercury deposited from the air relative to 1998 levels in the range of 87-98% in order to achieve fish tissue mercury levels more fully protective of public health. This is not limited to the NESCAUM region as the State of Minnesota has reached a similar conclusion for its state-wide mercury TMDL.

While the power plant mercury MACT will be a very substantial down payment on achieving water quality goals, it may not get us all the way to being able to eat all the fish we catch in all

locations. Hence, optimization of new mercury controls is needed to minimize mercury emissions consistent with the ability of the technologies.

With regard to state mercury rules, NESCAUM states had begun as early as 2001 to adopt rules addressing mercury emissions from existing coal plants. These states include Connecticut, Massachusetts, New Hampshire, New Jersey, and New York. The majority of the state rules require mercury limits significantly tighter than what EPA is proposing, with the tightest state limit set at a level of about only one-quarter of EPA's proposed mercury standard.

Coal units in the NESCAUM states with mercury rules have demonstrated compliance with those rules. They have achieved the standards using a combination of control options, including activated carbon injection, selective catalytic reduction, dry scrubbers, fabric filters, dry sorbent injection, and spray dryer absorption. Several coal units did not need to install new controls as they were already meeting the applicable mercury limits with existing technology.

We will submit to this rulemaking docket a recent NESCAUM report assessing control technologies for coal-fired power plants. This report provides an overview of well-established, commercially available emission control technologies for coal-fired power plants. Many of these are already installed on coal units in the NESCAUM states, and operating successfully. The timelines required to install needed controls typically fall well within the statutory timelines given by the Clean Air Act. This successful track record demonstrates that there are no

insurmountable technology, cost or timing barriers to achieving EPA's proposed mercury and air toxics standards.

In closing, we urge EPA to hew to the statutory deadlines for implementing its proposed air toxics standards. The NESCAUM states have demonstrated that mercury limits more stringent than what EPA has proposed are achievable, and have been achieved, at existing coal units. On a national basis, EPA's proposed standards have been long in coming, and any further delay in protecting the public's health and environment is simply unwarranted.

NESCAUM will be submitting more detailed written comments into the docket, and we thank you for your attention to our testimony today.