

**Statement of the
State and Territorial Air Pollution Program Administrators and the
Association of Local Air Pollution Control Officials
on the Administration's Clear Skies Proposal**

February 2003

STAPPA and ALAPCO support the concept of a multi-pollutant approach for power plants. Our associations have adopted principles that we believe should serve as the foundation for national multi-pollutant legislation. Over the past year, we have reviewed the materials and data EPA has released on the Administration's Clear Skies proposal and have had an opportunity to review the Administration's legislative proposal for Clear Skies and to evaluate it relative to our multi-pollutant principles.

We have concluded that we cannot support this proposal. It fails on every one of STAPPA and ALAPCO's core principles:

- The deadlines are too protracted and well beyond those by which we should be meeting health-based air quality standards.
- The caps are not tight enough. We believe the emission limits should establish the most stringent enforceable national emission reduction goals feasible and reflect BACT or better on all existing sources, and the limits in Clear Skies do not.
- We believe that there should be some minimum level of control required of each existing power plant, and under Clear Skies there is not.
- We have tremendous concerns with Clear Skies' repeal of some of our most important Clean Air Act tools:
 - New Source Review,
 - the utility MACT rule, including non-mercury hazardous air pollutants,
 - residual risk requirements for mercury,
 - LAER, offset requirements and conformity for most areas of the country and
 - the use of Section 126 until 2012, and even then it is uncertain that it will be possible to make the demonstration Clear Skies requires.
- We are equally troubled that Clear Skies seriously undermines, if not preempts, state and local authorities to adopt and take credit for more stringent requirements for power plants.
- Though it is critical to us that a multi-pollutant strategy protect against any adverse local health and environmental impacts, Clear Skies provides no mechanism for this and, in fact, relaxes Class I protections, eliminates some important PSD requirements in other areas and allows mercury trading without regard for local impacts.
- Finally, we believe a multi-pollutant approach must address all significant emissions from power plants, yet Clear Skies is silent on CO₂.

STAPPA and ALAPCO believe that the fundamental elements of Clear Skies result in a weak approach that not only will not help us meet our clean air goals, but will almost surely get in the way of our efforts. Throughout the extensive discussions that we have had on Clear Skies, we have not heard one state or local air agency say that they like this proposal.