

June 12, 2000

Carol Browner  
Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Ms. Browner:

We are writing on behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO) with respect to the regulatory determination you must make by December 15, 2000 whether it is "appropriate and necessary" to regulate emissions of hazardous air pollutants (HAPs) from electric utility steam generating units. STAPPA and ALAPCO believe a regulation is warranted and strongly recommend that the U.S. Environmental Protection Agency (EPA) establish standards to control emissions of HAPs from electric utilities, including, but not limited to, mercury. Other pollutants you may wish to consider addressing include dioxin, arsenic, nickel and acid gases.

According to EPA's own studies<sup>1</sup>, emissions of HAPs, particularly mercury, from electric utilities are a significant problem. Of the hazardous air pollutants associated with coal-fired electricity production, mercury was singled out by EPA as the pollutant of "greatest potential concern." Electric utility steam generating units are one of the largest sources of mercury emissions in this country, responsible for more than one third of the anthropogenic mercury emissions. While other types of sources, namely municipal and medical waste incinerators, also emit mercury, these types of facilities are already subject to stringent federal and state regulations designed to limit their emissions of mercury, among other pollutants. Thus, the large coal-fired boilers, the only major uncontrolled category of mercury emissions, will be even a larger fraction of the overall future emission inventory.

STAPPA and ALAPCO believe that EPA should control HAP emissions from electric utilities for several reasons. First, and perhaps most importantly, these HAPs pose significant health threats. Both EPA's electric utility study and EPA's mercury

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<sup>1</sup> U.S. EPA, *Mercury Study Report to Congress*, 1998 and U.S. EPA, *Study of Hazardous Air Pollutant Emissions from Electric Utility Steam Generating Units-Final Report to Congress*, 1998.

study indicate that there is a link between anthropogenic mercury emissions and mercury found in freshwater fish. When this is considered in combination with the fact that approximately 40 states have established advisories that warn their citizens about the hazards of eating mercury-contaminated fish found in those states, it seems imperative that some national action be taken to further reduce mercury emissions to the atmosphere.

Depending on the reduction techniques that are chosen, controlling mercury emissions from electric utilities could also have the side benefit of reducing other toxic emissions. In EPA's electric utility study, some additional risks from emissions of toxic air pollutants were identified. For example, two coal-fired and up to eleven oil-fired utilities were found that posed a local increased cancer risk of more than one in a million. When multi-pathway exposures were considered some additional high risks were identified. These include: 1) an estimated high-end increased cancer risk of one in ten thousand for a "pica" child exposed to arsenic; 2) dioxin exposures for model plants with predicted increased cancer risk ranging up to two in ten thousand for the "subsistence fisher scenario"; and 3) exposure to radionuclides predicted to pose an increased cancer risk on the order of one in one hundred thousand near approximately seventeen plants. Although these risks may seem small compared to the total number of utilities in the country, these additional risks add to the weight of evidence that convinces us that HAP emissions from electric utilities should be addressed.

A second reason we believe HAP regulations on electric utilities are essential has to do with equity. The technology-based Maximum Achievable Control Technology (MACT) program under the Clean Air Act is designed to ensure that all significant sources of HAPs implement controls to reduce emissions to the maximum extent feasible. Electric utilities represent a large portion of the toxics emission inventory, as demonstrated by the recent release of the 1998 TRI data, which indicate that electric utilities are responsible for 38 percent of the toxic releases to air reported nationwide from facilities covered by the TRI program. This amounts to 784 million pounds of emissions. It seems incongruous, then, that EPA would require stringent limits on mercury from medical and municipal waste incinerators, while not requiring a minimum level of control from electric utilities, a much larger polluting industry. Furthermore, it also seems inequitable that the MACT program would not call for adequate HAP controls from electric utilities, many of them large sources, while requiring small sources, including dry cleaners and other small businesses, to limit their emissions. Such a regulatory policy, which essentially exempts utilities from HAP controls, could seriously undermine our nation's efforts to develop equitable and responsible HAP control programs.

We recommend that EPA make every possible effort to ensure that HAP emissions from electric utilities are controlled to at least a level consistent with the provisions of the Clean Air Act relating to other sources of HAPs.

EPA's initiative to reduce Persistent, Bioaccumulative and Toxic (PBT) substances presents a third reason for EPA to regulate emissions from utilities. In the action plans for addressing PBTs, including mercury, EPA committed to using every tool

available to reduce or eliminate releases of those substances to the environment. Regulating HAP emissions from utilities presents a perfect opportunity to fulfill this commitment.

Thank you for your consideration of our recommendations on this issue. If you have any questions, please do not hesitate to contact either of us or the STAPPA/ALAPCO Secretariat at (202) 624-7864.

Sincerely,

Ron Methier  
President of STAPPA

Marcia Willhite  
President of ALAPCO

cc: Robert Perciasepe  
William Maxwell  
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