

**Testimony of
Brock M. Nicholson
on behalf of the
State and Territorial Air Pollution Program Administrators
and the
Association of Local Air Pollution Control Officials
on the U.S. Environmental Protection Agency's
July 20, 2001
Proposed Guidelines for Best Available Retrofit Technology
Determinations Under the Regional Haze Regulations
(66 *Federal Register* 38108)**

**August 21, 2001
Arlington, Virginia**

Good morning. My name is Brock Nicholson and I am the Chief of Planning for the North Carolina Division of Air Quality. I am here today to provide testimony on behalf of STAPPA – the State and Territorial Air Pollution Program Administrators – and ALAPCO – the Association of Local Air Pollution Control Officials. The members of STAPPA and ALAPCO include the air pollution control agencies in 54 states and territories and more than 165 major metropolitan areas across the country. As Co-Chair of the STAPPA/ALAPCO Criteria Pollutants Committee, I am pleased to have this opportunity to present STAPPA and ALAPCO's comments on the U.S. Environmental Protection Agency's (EPA's) July 20, 2001 "Proposed Guidelines for Best Available Retrofit Technology (BART) Determinations Under the Regional Haze Regulations."

To states and localities across the country engaged in efforts to ameliorate visibility impairment, the BART guidelines will be a key component of the regulatory framework within which regional haze programs are designed and implemented. STAPPA and ALAPCO believe EPA's proposal is a positive step toward the achievement of millions of tons of emissions reductions and, although we will offer some suggestions that we believe will improve the approach EPA has outlined, our associations support the proposed guidelines. We note also that, although the objective of the BART guidelines is to facilitate improvements in visibility in Class I areas, significant public health and welfare benefits will accompany such improvements. The haze that veils our nation's most scenic areas is the result of emissions that can also cause or contribute to serious health problems. The emissions reductions that will result from the regulation of affected stationary sources will not only clear our vistas, they will also improve our health.

In the coming weeks, our associations will be developing written comments on many of the issues raised in and by the proposed guidelines. Today, however, I would like to focus my remarks on several fundamental principles and recommendations.

First, STAPPA and ALAPCO believe that there must be national consistency in the implementation of BART. For this reason, we recommend that a consistent set of protocols and well-defined “starting points” be established, upon which BART analyses for all source categories should be based. Such norms would ensure that BART discussions and evaluations across the country begin at a common point.

Second, because states and local areas will be required to make BART determinations for affected sources in all 26 categories listed in the Clean Air Act, STAPPA and ALAPCO believe that the BART guidelines should be used for all affected sources in any of the 26 categories, including not only powerplants with a capacity greater than 750 megawatts, but the other 25 source categories, as well.

Third, in applying BART to affected sources, we endorse a “top-down” approach. That is, in conducting a BART engineering analysis, all available control technologies should be ranked in descending order of control effectiveness, with the most stringent alternative examined first. The most stringent alternative would be selected as “best,” unless it is demonstrated and documented – based on technical considerations, costs, energy impacts and non-air quality environmental impacts – that the most stringent alternative is not justifiable, in which case the next most stringent alternative would be considered, and so on. In addition, STAPPA and ALAPCO would like to work with EPA to identify the number of sources that will potentially be subject to BART and where these sources are located. If, based on this information, it becomes evident that implementation of a case-by-case BART engineering analysis will impose an undue resource burden on a particular area, we would like to explore with EPA ways to alleviate this burden in such special circumstances.

STAPPA and ALAPCO also support EPA’s proposal to require all control technologies for an applicable source category to be considered for BART, including those that are more stringent than the New Source Performance Standard. Further, beyond defining how to document costs, energy impacts and non-air quality environmental impacts, our associations recommend that the guidelines also establish thresholds for what represents unreasonable or unacceptable costs, energy impacts and non-air quality environmental impacts.

Fourth, we believe the guidelines are unclear with respect to how implementation of BART will integrate with existing air pollution control trading programs. For this reason, we request clarification of how credits from BART reductions may or may not be used across trading programs. Once we understand what EPA envisions in this regard, we may have further comment.

Finally, since BART decisions across the country will be made within a similar timeframe, STAPPA and ALAPCO urge that mechanisms to facilitate the timely sharing of information be established, including a clearinghouse that can be quickly and easily updated and accessed, as well as a process that will allow those involved in decision making to pool information and coordinate efforts in an effective manner.

Once again, thank you for this opportunity to provide our associations’ initial perspectives on the proposed BART guidelines. We look forward to working with EPA as it continues to refine this program.