

June 22, 2023

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U.S. Environmental Protection Agency
EPA Docket Center
Docket ID Number EPA-HQ-OAR-2018-0794
Mail-Code 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

To Whom It May Concern:

On behalf of the National Association of Clean Air Agencies (NACAA), thank you for this opportunity to comment on the proposed National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units (EGU) Review of the Residual Risk and Technology Review, which were published in the *Federal Register* on April 24, 2023 (88 Fed. Reg. 24,854)¹. NACAA is the national, non-partisan, non-profit association of air pollution control agencies in 40 states, including 117 local air agencies, the District of Columbia and five territories. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the United States. These comments are based upon that experience. The views expressed in these comments do not represent the positions of every state and local air pollution control agency in the country.

The standards regulating emissions of hazardous air pollutants (HAPs) from coal- and oil-fired EGUs – often referred to as the Mercury and Air Toxics Standards (MATS) – have resulted in significant and welcome decreases in HAP emissions. However, “coal- and oil-fired EGUs remain the largest domestic emitter of Hg [mercury] and many other HAP, including many of the non-Hg HAP metals and HCl [hydrogen chloride].”² As EPA’s proposed measures show, further reduction is necessary and possible.

The benefits to public health from reducing HAPs, especially mercury, are well-established. As EPA states in the proposal, “[e]xposure to these HAP, at certain levels and duration, is associated with a variety of adverse health effects. These adverse health effects may include irritation of the lung, skin, and mucus membranes; detrimental effects on the central nervous system; damage to the kidneys; alimentary effects such as nausea and vomiting; and cancer.”³ As with

¹ <https://www.govinfo.gov/content/pkg/FR-2023-04-24/pdf/2023-07383.pdf>

² 88 Fed. Reg. 24,857

³ 77 Fed. Reg. 9,310 and 88 Fed. Reg. 24,857

many other challenges related to environmental protection, controlling emissions of mercury and other HAPs from EGUs is also an environmental justice issue. Disadvantaged communities and vulnerable populations are faced with greater risk and experience a disproportionate share of adverse effects from mercury contamination and diminished air and water quality.

In light of these factors, NACAA supports EPA's efforts to make improvements to the existing MATS and offers the following observations and recommendations with respect to specific provisions in the proposal.

More Stringent Filterable Particulate Matter Standard

EPA has proposed to strengthen the surrogate standard for non-mercury metal HAPs (filterable particulate matter -- fPM) for existing coal-fired EGUs to 1.0E-02 lb/MMBtu (equal to the current new source standard).⁴ We believe this level is reasonable and achievable – in fact, 91 percent of existing capacity has demonstrated that it can meet this standard.⁵

Even More Stringent Filterable Particulate Matter Standard

EPA has requested comment on an even more stringent level of 6.0E-03 lb/MMBtu for fPM for existing EGUs, which currently 72 percent of existing coal-fired capacity has met.⁶ EPA notes that setting such a standard would bring the “bottom lowest performing quarter of the fleet” to the level the top three-quarters have already demonstrated. EPA has acknowledged that some areas would face challenging implementation costs and other barriers; EPA should only consider moving toward the more stringent level if it also considers strategies that are developed with, and would help, some of those hardest-hit areas work through those difficulties with the tighter standard (e.g., providing additional time or resources), so that additional emissions reductions could be realistically realized from these areas.

Continuous Emissions Monitors

EPA is proposing to require the use of continuous emissions monitors (CEMs) to demonstrate compliance with the fPM emission limits for coal-fired and integrated gasification combined cycle EGUs.⁷ While CEMs are very useful under many circumstances, NACAA has concerns about their accuracy and reliability with the current level of technology for demonstrating compliance for a stringent fPM standard. EPA itself alludes to these concerns by soliciting comment on “the ability, type, and capabilities of PM CEMS to accurately measure fPM emissions at the levels proposed in this rule.”⁸ If EPA wishes to require CEMs for demonstrations of compliance for the proposed fPM standards, there would first need to be improvements in the technology and methods, including continued research into improving the calibration and certification methods, to ensure that CEMs can be an accurate and reliable tool for this purpose. Just as one example of a problematic area, measurements for excess emission

⁴ 88 Fed. Reg. 24,869

⁵ 88 Fed. Reg. 24,868

⁶ 88 Fed. Reg. 24,871

⁷ 88 Fed. Reg. 24,874

⁸ 88 Fed. Reg. 24,874

events can be radically larger than emissions during normal operations, so to improve the accuracy and usefulness of the data, EPA should consider providing flexibility to use separate methods (and equations) to measure and calculate emissions from excess emission events versus emissions from normal operations with lower emission levels.

Standards for Lignite-Fired EGUs

NACAA supports EPA's proposal to require lignite-fired EGUs to meet the same mercury emission standard being met by non-lignite EGUs (1.2E-06 lb/MMBtu).⁹ EPA stated in the proposal that units burning lignite coal "accounted for a disproportionate amount of the total Hg emissions in 2021," further noting that those plants were responsible for almost 30 percent of all mercury from coal-fired EGUs while generating only about 7 percent of total megawatt hours in 2021.¹⁰ These sources are not distributed throughout the country but, rather, are concentrated in a handful of areas. Nevertheless, reducing emissions of mercury from lignite-fired units would have benefits to areas beyond the immediate vicinities of the affected facilities. Mercury deposition affects fish and waterbodies – with the associated impacts on public health – in surrounding areas, as well. Mercury in the atmosphere can become a global pollutant and changes in climate and weather patterns may further affect the movement of mercury through the air. Even states without lignite plants feel the impact of those emissions and are faced with challenges to address them as they protect air quality and work to meet their Total Maximum Daily Load water quality goals. Therefore, it is beneficial to reduce mercury emissions where possible to decrease overall levels of this contaminant in the environment.

Standards for Non-Lignite-Fired EGUs

EPA stated that it is not proposing to adjust the mercury emission standard for non-lignite-fired EGUs but is soliciting comments, and noted that some states have adopted mercury standards that go beyond the current MATS levels.¹¹ NACAA applauds and encourages EPA's efforts to continue to investigate options for technological advances that will result in further reductions in mercury to be incorporated into future standards.

Amended Definition of "Startup" to Remove Work Practice Standards

EPA proposes to amend the definition of "startup" to remove the alternative work practice standards for startup periods.¹² NACAA supports this change and agrees with EPA that it is achievable and sources can implement it with little to no additional expenditure.

Compliance Period

EPA has proposed to retain the typical three-year compliance period for EGUs subject to MATS to meet the new provisions in the standard, but is soliciting comment on whether more

⁹ 88 Fed. Reg. 24,880

¹⁰ 88 Fed. Reg. 24,876

¹¹ 88 Fed. Reg. 24,879

¹² 88 Fed. Reg. 24,886

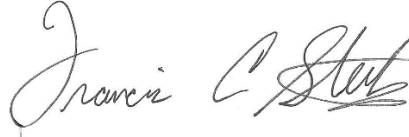
than one year is needed to comply.¹³ NACAA believes it is sensible to provide facilities with adequate time to comply, within reason. For sources needing to install new controls and obtain permits, both of which can be time consuming obligations, NACAA believes that a one-year time period would be insufficient and that retaining a three-year compliance deadline is appropriate.

Thank you for this opportunity to comment on the proposal. Please contact us if we can provide additional information.

Sincerely,



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¹³ 88 Fed. Reg. 24,887