



Testimony by Thomas Schuster
On behalf of Sierra Club
Before the Citizens Advisory Council
5/20/15

Subject: Proposed NOx RACT Standards

Good morning, my name is Tom Schuster, and I represent the Sierra Club and our more than 24,000 members in Pennsylvania. I come before the Council once again to discuss the proposed “Additional RACT Requirements for Major Sources of NOx and VOCs.” While the recent proposal has several weaknesses, including long-term averaging of emissions and overly permissive limits for units with Selective Catalytic Reduction (SCR) controls, it represents a significant improvement over the existing regulation, and the original proposal. Our chief remaining concern is with the current proposal’s de facto exemption for a single large NOx polluter: the Brunner Island coal-fired power plant. **Closing this loophole would greatly improve the overall proposal, enabling the Sierra Club to support it.**

The Brunner Island loophole results from the creation of a special category for coal-fired units that are neither circulating fluidized bed boilers, nor have SCR or SNCR for NOx control installed. Brunner Island is the only coal plant in the state that falls into this category, which has emissions limits nearly three times higher than limits for SCR-controlled units. This is loophole is a critical flaw in the proposed regulation for 4 key reasons.

First and foremost, it needlessly subjects its neighbors and those living downwind to significantly higher levels of smog-causing NOx pollution. As the attached figures indicate, the plant is by far the largest stationary source of NOx within the 12-county southeastern Pennsylvania region, accounting for nearly 1/3 of all NOx pollution from all regional facilities, and more NOx pollution than all facilities in 9 of those 12 counties combined. There can be no doubt that a source of this size is a significant contributor to the region’s violation of federal NAAQS for smog. In turn, this facility contributes disproportionately to smog-related health problems from Lancaster to Philadelphia and beyond.

Second, granting of lax NOx emission limits based on the assumed high cost of installing SCR controls at Brunner Island is a misinterpretation of the RACT standard. RACT allows for the consideration of cost effectiveness, but not in the way the concept has been applied here. Our June 2014 comments quote the following from the code of federal regulations:

“Economic feasibility rests very little on the ability of a particular source to ‘afford’ to reduce emissions to the level of similar sources. Less efficient sources would be

rewarded by having to bear lower emission reduction costs if affordability were given high consideration. ***Rather, economic feasibility for RACT purposes is largely determined by evidence that other sources in a source category have in fact applied the control technology in question*** (emphasis added).¹

In Pennsylvania, ALL other large, conventional coal units in the state have already applied SCR, which means that in this state SCR is RACT for Brunner Island's source category, and NOx emission limits for the plant should be consistent with SCR operation.

Third, the loophole would reward PPL for dragging its feet in controlling harmful NOx emissions at a time when all of its peers were installing controls. This would act as a disincentive to other operators in the state contemplating whether or not to install controls for other pollutants.

Fourth, we believe that the loophole should be rejected by EPA given the definition of RACT cited previously, which would result in implementation delays. But if EPA does approve this rule, it will set a bad precedent for transport of NOx into Pennsylvania. A number of upwind counties in other states are set to have their ozone non-attainment areas downgraded from "marginal" to "moderate" meaning they will have to do their own RACT rules. There are many coal-fired units outside of Pennsylvania that do not have NOx controls, and that would likely be exempted by their states from installing them if we establish the precedent to do so. This will make it harder for Pennsylvania to attain the federal ozone standards, which are set to become more stringent this fall.

Brunner Island is in a position to comply with a lower NOx emission standard in multiple ways. It could install SCR like all of its peers have. Alternatively, and although Sierra Club always prefers investments in renewable energy and efficiency, from a strict compliance perspective the plant could burn gas as a primary fuel instead of coal. This option that would have zero additional capital cost as the plant operator is already installing that capability. But with the proposed loophole in place, there are no guarantees that any NOx pollution reductions at this plant will be realized. We are not asking DEP to determine the compliance pathway; we are asking it to set a fair limit.

This issue is a concern not only for our members and for many other Pennsylvanians living downwind of this plant, but also for at least four downwind states that have expressed their concerns about Pennsylvania's plan. Again, we commend the DEP for strengthening this proposal from its original version, and requiring power plants with NOx controls to run those controls. **Today we call on the Citizens Advisory Council to recommend to the EQB that the Brunner Island loophole be closed, and that this plant be held to the same standard as its peers.** This change is critical for families in southeastern Pennsylvania to breathe healthy air, and with this change we could support the RACT rule as a whole. Thank you for your time.

¹ U.S. EPA, State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990; Supplemental, 57 Fed. Reg. 18,070, 18,074 (Apr. 28, 1992).

Figure 1: Brunner Island is the largest source of NOx pollution from stationary sources in the 12-county southeastern Pennsylvania region. Data were compiled by Sierra Club from DEP's eFacts website.

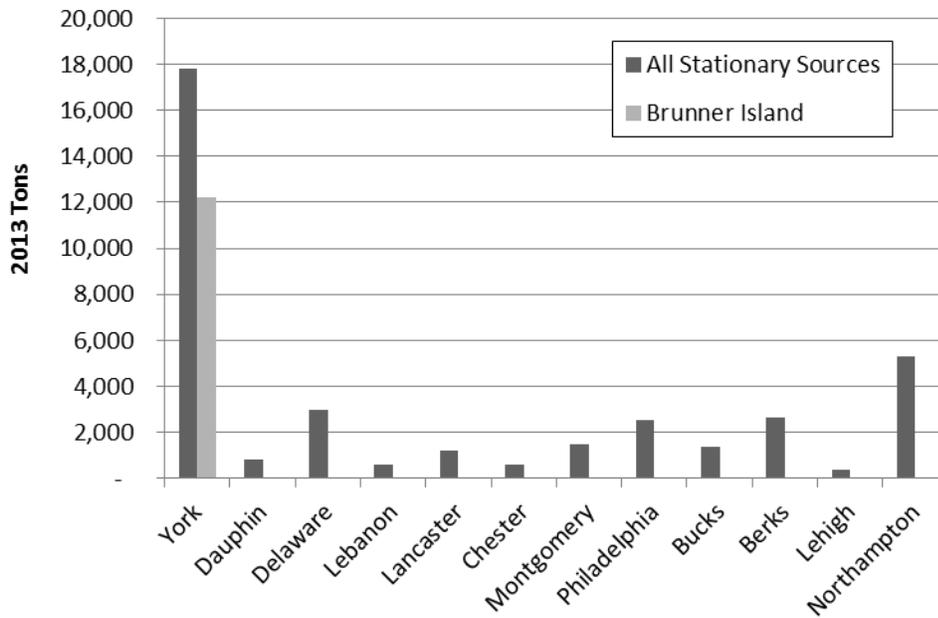


Figure 2: In 2013, Brunner Island was responsible for nearly a third of all NOx pollution from stationary sources in the same 12 county region.

