

MANE~VU

Mid-Atlantic/Northeast Visibility Union

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M. Lea Anderson
Air and Radiation Law Office (2344A)
Office of General Counsel
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
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Dear Ms. Anderson:

On behalf of the members of the Mid-Atlantic/Northeast Visibility Union (MANE-VU) regional planning organization, I am writing to express our concern about regional haze and our support for finalizing the proposed Consent Decree in *Environmental Defense v. Horinko*, No 1:03CV01737 RMU. The Best Available Retrofit Technology (BART) program is critical to devising effective strategies for achieving our near-term visibility goals. Through this letter, the member states and tribes encourage you to finalize the deadlines set forth in the Consent Decree and reiterate our strong support for several aspects of the proposed BART rulemaking expected by April 14, 2004 under that Consent Decree. MANE-VU provides the following recommendations for strengthening this program in order to maximize visibility improvement. MANE-VU members include: Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, the Penobscot Indian Nation, Rhode Island, the St. Regis Mohawk Tribe, Vermont, as well as federal land management agencies and the U.S. EPA.

Given our geographic location, downwind of some of the largest emission sources of haze precursor pollutants, effective controls on BART-eligible sources represent a crucial element of our region's planning efforts for regional haze. While the regulatory driver for the regional haze rule is the protection of visibility in Class I areas, the benefits derived from the application of BART will be realized across the entire MANE-VU region. In addition to national parks and wilderness areas, the economic and quality of life benefits of improved visibility will accrue at: state and local forests and parks; at lakes and the seashore; and in cities and towns throughout the Northeast and Mid-Atlantic Region.

In addition to visibility improvement, the substantial SO₂ and NO_x reductions achievable through the BART program would also produce significant public health benefits by reducing the incidence of cardiac and respiratory disease linked to fine particle pollution. BART controls would also reduce acid deposition and prevent further destruction of sensitive aquatic ecosystems through both acidification and eutrophication. MANE-VU therefore feels that in determining the cost effectiveness of the BART program the full range of expected benefits these controls would provide must be incorporated.

The MANE-VU members view the BART provisions as the cornerstone of the regional haze program designed to restore pristine visibility conditions to all Class I areas. If EPA follows the recommendations of MANE-VU and other proponents, BART requirements could result in substantial reductions of SO₂ and NO_x emissions. However, implementation of a weak BART program would significantly diminish our ability to achieve reasonable progress toward our visibility goals. Hence, MANE-VU strongly recommends that EPA finalize the proposed guidelines for BART implementation embracing the following positions:

- We believe that use of the guidelines for BART implementation should be required for all of the affected source categories listed in the regional haze rule. While fossil-fuel fired electric generating plants with a capacity greater than 750 megawatts represent a substantial fraction of the potential reductions under

the BART program, emissions reductions that can be achieved by application of BART to plants with a capacity less than 750 megawatts and the remaining 25 BART-eligible sectors are expected to be significant and necessary to achieve the national visibility goals. Granting discretionary use of the BART guidelines will present an impediment to nationally consistent implementation and potentially raise issues of economic competitiveness between neighboring states which may choose to apply the guidelines differently. We encourage EPA to mandate use of the proposed BART guidelines consistently across all BART-eligible sectors.

- MANE-VU strongly endorses the use of a “Top-Down BART” approach for performing BART engineering analyses. Such an analysis would rank all available control technologies for a given source in descending order of control effectiveness. The most stringent alternative is selected as “best” unless it is demonstrated and documented that the alternative cannot be justified based upon technical considerations, costs, energy impacts and non-air quality environmental impacts. To consider alternative approaches for conducting a BART review, such as the consideration of *least-stringent* technologies *first*, would be counterproductive when the statutory objective is clearly aimed at identifying the best control options.
- Consistent with our previous comments, MANE-VU requests additional clarity regarding criteria used to determine the unreasonableness of costs, the unacceptability of energy issues and the extent of non-air quality environmental concerns for use in BART determinations. MANE-VU sees these criteria as extremely important in determining the resultant effectiveness of the BART program.
- We endorse EPA’s proposal to establish a presumed control efficiency for currently uncontrolled SO₂ utility boilers. Flue gas desulfurization (FGD) or “scrubber” technology is an extremely cost effective means of reducing SO₂ emission by over 95 percent on a routine basis currently. We therefore propose an alternative presumed control efficiency of 95 percent at a minimum for previously uncontrolled utility boilers. Regulation often leads to technological innovation and the presumption of FGD as BART may lead to even more advances in this technology and additional cost reductions.
- In addition to the presumptive 95 percent control efficiency for SO₂, we encourage EPA to establish a presumed control efficiency of 90 percent, at a minimum, for NO_x emissions from uncontrolled utility boilers. The combination of low-NO_x burner (LNB) technology and Selective Catalytic Reduction (SCR) controls can routinely reduce NO_x emissions by over 90 percent. The installation of these controls can be highly cost-effective in most circumstances. MANE-VU believes that enough documentation exists to firmly establish a presumed control efficiencies for SO₂ and NO_x and that failure to establish presumptive levels of control will significantly weaken the BART program, reducing the ability for states and tribes to effectively address visibility impairment within their jurisdictions.

Thank you for your consideration of these issues as you weigh your options for accepting the proposed consent decree and begin the work of finalizing the proposed guidelines.

Sincerely,



Christopher Recchia
Executive Director, OTC
Mid-Atlantic/Northeast Visibility Union