Mercury/Air Toxics Standards NESHAP for Coal and Oil-Fired Electric Utility Steam Generating Units: National Rural Electric Cooperative Association Comments on U.S. EPA Proposed Rule

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The National Rural Electric Cooperative Association ("NRECA") submitted June 23rd comments to the United States Environmental Protection Agency ("EPA") in its docket addressing Proposed National Emission Standards for Hazardous Air Pollutants: Coal and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review ("Proposed Rule").

See Docket ID NO. EPA-HQ-0AR-2018-0794.

The NRECA describes itself as the national service organization for America's electric cooperatives. Such cooperatives are noted to be member-owned and not-for-profit electric cooperatives. Membership is stated to include 900 rural electric utilities that serve 42 million people across 48 states.

EPA's proposed rule addresses the National Emission Standards for Hazardous Air Pollutants ("NESHAP") for coal and oil-fired electric steam generating units ("EGUs"). It is commonly denominated the Mercury and Air Toxics Standards ("MATS") for power plants. The proposed rule is stated to reflect EPA's position that developments and control technologies and the performance of power plants requires it to reevaluate the NESHAP.

Examples of key elements of the proposed rule include:

- Further emission limits of non-mercury hazardous air pollutant ("HAP") metals from existing coal-fired power plants by reducing the emission standard for filterable particulate matter
- Tightening the emission limit for mercury for existing lignite-powered power plants by 70%
- Mandate more stringent emissions monitoring and compliance by requiring coal-fired EGUs to comply with the fPM standard using PM continuous emission monitoring systems
- Revising startup requirements in MATS

The proposed rule was published on April 23, 2023. See 88 Fed. Reg. 24872.

The NRECA comments express initial concern that the proposed rule, along with other EPA rulemakings, will:

. . . significantly affect fossil-fuel electric generation without considering cost and electric reliability.

Such concern is exacerbated by what is noted to be the:

. . . increasing electrification of other sectors of the economy, which is anticipated to require a three-fold expansion of the transmission grid and up to 170% more electricity supply by 2050, according to the National Academies of Sciences.

NRECA states that the proposed rule would require electric generating units to spend billions of dollars in capital in operating costs with what it describes as "barely identifiable health benefits." Further, it takes the position that existing health risks with this source category "are well below the agency's 'acceptable risk threshold'."

Four additional comments raised include:

- The proposed mercury (Hg) standard of 1.2 lb./TBtu for EGUs using lignite coal is technically unachievable and must be reconsidered.
- The proposed filterable particulate matter (fPM) of 0.010 lbs./MMBtu must be reconsidered. It is based on an inadequate and arbitrary limited consideration of available quarterly stack data, and failure to consider an EPA recognized 20-30% compliance margin that when taken into necessary account results in the proposal significantly underestimating the proposal's feasibility and cost of compliance.
- The proposed required Continuous Emissions Monitoring Systems (CEMS) as the only method to demonstrate the proposed fPM limit is technically unworkable and significantly more expensive than stack testing.
- EPA has failed to consider the electric reliability impacts of this rulemaking.

A copy of the comments can be downloaded here.