## EPA FACT SHEET: Mercury and Air Toxics Standards

# ADJUSTMENTS FROM PROPOSAL TO FINAL

**On December 16, 2011, the U.S. Environmental Protection Agency (EPA) finalized the first national Clean Air Act standards to reduce mercury and other toxic air pollution from coal and oil-fired power plants. EPA's final MATS rule is a data-driven, technology-based regulation that will reduce emissions of toxic air pollutants from power plants and lead to healthier communities and a safer environment. It builds on a strong proposal and careful consideration of more than 900,000 public comments. The adjustments between the proposed and final rules maintain reductions in air toxics while making implementation easier and less costly.**

- EPA's final rule remains largely the same as the proposal.

- After considering the more than 900,000 public comments we received, the agency made some changes to the final rule that follow the law and maintain vital and significant health benefits of up to $90 billion.

- The final rule is practical, cost-effective, and protective. Plants can meet the standards with widely available control technology. EPA estimates the costs of the rule at $9.6 billion, about a billion dollars less than the proposed standards.

- Together, MATS and the Cross-State Air Pollution Rule are estimated to provide annual benefits of $150-$380 billion and prevent up to 46,000 premature deaths, 540,000 asthma attacks, 13,000 emergency room visits and over 2 million sick days or missed work days each year.

## NEW DATA, ADDITIONAL ANALYSIS IMPROVE RULE

- Technology-based emission limits are the core of EPA standards for air toxics. These limits ensure power plants minimize the amount of toxic pollution they release into the air to the extent technology allows. After reviewing comments and new data, EPA is confident that these limits are set at the right level.

- EPA used data and information received during the public comment process to update and improve our analyses and to make adjustments to the final rule. Public review and comment ensure all interested stakeholders have an equal opportunity to look at the details and weigh in – ultimately helping EPA write better, more effective regulations.

- Many comments provided additional information and data that enriched the factual record for the rule. This enabled EPA to finalize a rule that fulfills the mandate of the Clean Air Act while providing flexibility and compliance options.

- In a few areas where additional data or analysis showed that changes to the proposal were appropriate, those changes were made. In particular, EPA received suggestions for changes that would increase flexibility or provide opportunities to reduce cost and maintain significant pollution reductions. The agency adopted a number of good suggestions into the final rule. The changes make the final rule more flexible and cost-effective, reduce reliability concerns and improve clarity, while fully preserving the public health and environmental protection required by the Clean Air Act.

## KEY CHANGES

- **Final emission limit for filterable PM – instead of total PM-- as a surrogate for non-mercury metallic air toxics.** EPA had proposed an emission limit for total PM, which includes both filterable PM and condensable PM. The agency is finalizing a filterable PM limit, which is consistent with our approach in other toxics rules. This is appropriate because most of the metallic air toxics consist of filterable PM and the one that is not – selenium -- is well controlled by the limit on acid gases.

- **Definition of subcategories for coal units:** The agency clarified the subcategory definitions to make sure that the right units were covered in each category. The definitions, as proposed, were not specific enough and would have caused confusion about which limits applied to which units.

- **Subcategories for oil units:** EPA received data that showed subcategories were appropriate for noncontinental oil-fired units located outside the continental US and for oil-fired units that are only used for very limited amounts of time. Non-continental units are in a subcategory because their emissions characteristics are distinct and they have limited access to alternative fuel sources. These units need to meet different emission limits than continental units. Limited-use units are in a subcategory because they run infrequently. Limited-use units will minimize emissions by following work practice standards during the rare times when they do operate, avoiding the need to run just to meet monitoring requirements.

- **More flexible monitoring and recordkeeping requirements:** EPA adjusted several of these requirements to help streamline the process and reduce costs. Most significantly, the final rule simplifies the procedures for demonstrating continuous compliance to two options: continuous monitoring or periodic quarterly testing. Also, the rule clarified that sources are only required to do testing for the form of the limit they choose to meet.

- **Work-practice standards during start-up and shut-down:** Because it wasn't feasible to set an emission limit during periods of start-up and shut-down, the final rule sets work practice standards instead. These standards require units to burn clean fuels such as natural gas or distillate oil during startup and shutdown to minimize emissions which will minimize toxics during these times.

- **More flexible averaging approach for better compliance and reduced emissions:** EPA proposed to give facilities the option to use facility-wide averaging to meet the limits for mercury. The final rule clarifies that facilities may use a longer averaging time for mercury – 90 days instead of 30 days – but if they choose this option they will have to meet a tighter standard (1.0 lbs/TBtu). This will make the averaging option more useful to sources while providing equivalent reductions in mercury emissions.

- **More achievable new source standards:** The agency reviewed and revised some of the standards for new sources based on additional data submitted during the comment period. The final limits for new sources reflect emission levels EPA would expect to see from a newly constructed source outfitted with a full suite of state-of-the-art controls.