



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 20, 2012

OFFICE OF
AIR AND RADIATION

Patricia T. Barmeyer
King & Spalding LLP
1180 Peachtree Street, N.E.
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Dear Ms. Barmeyer:

On February 16, 2012, the final rule titled "National Emission Standards for Hazardous Air Pollutants From Coal- and Oil-Fired Electric Utility Steam Generating Units" was published in the Federal Register. (77 Fed. Reg. 9304). Thereafter, the Environmental Protection Agency (EPA) received several petitions for administrative reconsideration of the rule pursuant to section 307(d)(7)(B) of the Clean Air Act.

Some of those petitions raise issues associated with the new source emission standards contained in the final rule. I am writing to notify you that we intend to grant reconsideration of certain new source issues, including measurement issues related to mercury and the data set to which the variability calculation was applied when establishing the new source standards for particulate matter and hydrochloric acid, that may affect the new source standards. The EPA plans to issue a Federal Register notice shortly, initiating notice and comment rulemaking on the new source issues for which the Agency is granting reconsideration.

We anticipate that the focus of the reconsideration rulemaking will be a review of issues that are largely technical in nature. Our expectation is that under the reconsideration rule new sources will be required to install the latest and most effective pollution controls and will be able to monitor compliance with the new standards with proven monitoring methods. As a result, the final reconsideration rule will maintain the significant progress in protecting public health and the environment that was achieved through the rule published in February, while ensuring that the standards for new sources are achievable and measurable.

We intend to expedite this reconsideration rulemaking and complete the rulemaking by March of 2013. In this case, EPA also intends to exercise its discretion under section 307(d)(7)(B) of the Clean Air Act and will issue a notice in the Federal Register shortly that stays the effectiveness of the new source emission standards for three months.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gina McCarthy", is positioned above the name and title of the signatory.

Gina McCarthy
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