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Broadcast

CNN National
Aired: 12/21/2011

PBS (National) Gwen Ifill
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MSNBC (National) Rachel Maddow Show
Aired: 12/21/2011

CW XETV San Diego CA
Aired: 10:34am 12/22/2011

WNBC NY
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CBS WTRF Wheeling West Virginia
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FOX (National)
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CBS Tampa FL
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ABC WLOX Biloxi MS
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ABC WOAY Bluefield WV
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FOX KMSP Minneapolis-St. Paul MN
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NW14 Charlotte NC
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Baltimore Sun
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Reduces pollution from out of state; MD power plants already comply
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EPA mercury rules hailed as environmental victory for Obama
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BNA
EPA Finalizes Rule to Reduce Mercury, Air Toxics Emissions From Power Plants
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Time (EcoCentric Blog)
Clean Air: The EPA Finally Tackles Mercury Pollution
By BRYAN WALSH
December 22, 2011

St. Louis Post-Dispatch
Missouri, other coal states in crosshairs of EPA mercury rule
BY JEFFREY TOMICH
Thursday, December 22, 2011

Pittsburgh Business Times
EPA's mercury rule and its SWPA aftermath
by Anya Litvak, Reporter
Thursday, December 22, 2011

Editorials/Op-Eds

The Star-Ledger (Editorial)
On mercury standards, better late than never
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NY Times Editorial
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NYTimes.com (Paul Krugman Blog)
The Meaning of Mercury
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Wall Street Journal (Opinion)
Lisa Jackson's Power Play
Harming the economy, degrading the U.S. grid: another day at the EPA.
December 22, 2011

Forbes
Merry Christmas America, Now Give Us Your Money - Love, EPA.

James Taylor, Contributor
OP/ED | 12/22/2011

Salt Lake Tribune (Editorial)
Dirty power
December 22, 2011

Spanish

El Periodico Expreso de Puerto Rico
EPA emite primeras normas nacionales para la contaminación de mercurio de plantas eléctricas
Miércoles 21 de Diciembre de 2011

Notimex
Emite EUA primeras normas para abatir mercurio y gases tóxicos
Añadió que más de la mitad de las termoeléctricas de Estados Unidos operan ya bajo esos estándares.
Miércoles, 21 de Diciembre de 2011

The Associated Press
Nuevos estándares para las plantas termoeléctricas
Por orden federal tendrán que disminuir aún más sus niveles de contaminación ambiental
21/12/11 9:30 PM

Axteca 21
Latinos aplauden nuevas reglas para controlar emisiones de mercurio y otros tóxicos
MIÉRCOLES, 21 DE DICIEMBRE DE 2011 18:08
Linda Escalante

Rumbo de Mexico
Beneficios en más de 90 mil millones de dólares anuales: EPA
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Reuters
EEUU presenta duras normas contra contaminación plantas a carbón
21/12/2011 21:02
Por Ayesha Rascoe y Timothy Gardner

EFE
EE.UU. impone nuevas restricciones a emisiones tóxicas de plantas de energía
La medida fue aplaudida por los defensores del ambiente y alarmó a empresarios y republicanos.

Tele 13
EE.UU. impone más restricciones a emanaciones tóxicas de plantas de energía
Actualizado 21/12/2011 - 18:56

FULL TEXT BELOW (*Full Text in Spanish Attached)*

Articles

Washington Post
Environmental Protection Agency issues new regulation on mercury
By Juliet Eilperin
December 21

The Environmental Protection Agency announced Wednesday a regulation more than two decades in the making that requires coal- and oil-fired power plants to control emissions of mercury and other poisons for the first time.

About 40 percent of the nation's roughly 1,400 coal- and oil-fired utilities lack modern pollution controls on toxic emissions; the new requirement is expected to prompt the closure of some of the oldest and dirtiest plants.

Congress gave the EPA the authority to limit these toxins — which include mercury, arsenic, acid gas, nickel, selenium and cyanide — in 1990, but disagreements among federal regulators, industry officials and activists over how best to regulate them have stalled action until now.

The Washington Post reported the full details of the regulation on Friday, the day EPA Administrator Lisa P. Jackson signed the regulation into law, but the agency did not publicly disclose the rule until Wednesday.

"This is a giant victory for public health, especially the health of our children," Jackson told reporters in a telephone call Wednesday, noting that she knew the full impact of polluted air, because as the mother of a son with asthma, "Fifteen years ago, my youngest son spent his first Christmas in a hospital, struggling to breathe."

The EPA estimates the new regulation's safeguards — which are slated to fully take effect in three years — will prevent as many as 11,000 premature deaths and 4,700 heart attacks a year by 2016 and will cost the industry $9.6 billion in compliance that year. By comparison, the agency projects reducing these emissions will save between $37 billion and $90 billion in 2016 in annual health costs and lost workdays.

The regulation could face legal and legislative hurdles, however: Some utilities have vowed to fight it in court, while the top Republican on the Senate Environment and Public Works Committee, James M. Inhofe (Okla.), said Wednesday he would seek to block it in Congress.

Some utility and coal industry officials said cleaning up these plants will cause severe economic hardship and could lead to power outages in regions of the country.

The rule will take effect in about 60 days. Along with the rule, the administration issued a presidential memorandum clarifying that an additional fourth year for compliance "should be broadly available to sources, consistent with the requirements" of the Clean Air Act. The memorandum notes that the EPA also has the ability to issue an administrative order for a fifth year, "should unusual circumstances arise that warrant such flexibility."

Jackson estimated that only 4.7 gigawatts of the nation's 1,000 gigawatts of electricity capacity, or less than one-half of 1 percent of the nation's plants, would have to shut down as a result of the new standards.

Ann Weeks, who is senior counsel for the Clean Air Task Force and has sued the EPA over its failure to issue the mercury standards in the past, said, "Our work tells us this is feasible within the time constraints under the Clean Air Act, that it will not create electric reliability problems and that it will have very significant health benefits for Americans."

But some industry officials said these requirements, along with other air pollution rules that the EPA has issued this year, will undermine the nation's fossil-fuel sector.

Associated Press
In Texas, new EPA regulations cheered, decried
December 22, 2011 10:30 AM

(AP) AUSTIN, Texas — Texas environmentalists are cheering new federal standards announced Wednesday that will force coal- and oil-fired power plants to reduce mercury emissions and toxic pollutants or shut down. Power industry leaders, however, said the pricey changes could lead to layoffs and undo strain on the state's grid.

Texas, which has 19 coal-fired power plants — more than any other state — and plans to build nine more, is among the few states still adding coal-fired plants. It also releases more air pollutants than any other state.

The new standards have an estimated price tag of $9.6 billion, ranking them among the most expensive in the Environmental Protection Agency's history. The new rules were unveiled in Washington by EPA administrator Lisa Jackson.

"This is big. Texans shouldn't be living with the health risks of mercury and other pollutants," said Tom "Smitty" Smith, director of the Texas office of the consumer activist group Public Citizen.

"The only thing more shocking than the large amounts of toxic chemicals released into the air each year by coal and oil fired power plants is the fact that these emissions have been allowed for so many years," added Ilan Levin, associate director of the Environmental Integrity Project.

According to Levin's group, Texas is the nation's top power plant mercury polluter, with its coal-fired power plants emitting 16.9 percent of the total U.S. mercury air emissions for 2010. The Department of State Health Services has issued fish consumption advisories for 300,000 acres of Texas lakes, according to advocacy group Environment Texas.

American Electric Power, the parent company of AEP Texas, has already spent $7 billion to reduce emissions since 1990 in the 11 states it serves, said Gary Gibbs, AEP Texas' manager of environmental and governmental affairs.

He said the company isn't opposing the new EPA regulations, but rather the time frame. Under the new rules, companies are given three years to decrease emissions of mercury and other toxins, and can apply for a fourth year to install equipment.

Gibbs also said the latest rules are especially costly because they come on the heels of EPA regulations released this summer that require states to reduce sulfur dioxide and nitrogen oxide emissions, both of which mostly come from coal-fired power plants.

"Very extensive rules are being used that require us to spend a lot of money and make a lot of retrofits in a fairly short period of time," he said.

An Associated Press survey of 55 power producers nationwide found that more than 32 mostly coal-fired power plants in a dozen states would retire because of the regulation issued Wednesday and the previous rule aimed at reducing pollution downwind from power plants. One of those, Gibbs said, is the Welsh coal power plant near Pittsburgh, Texas, which is projected to shutdown in December 2014. Its 44 employees would be laid off.

In all, American Electric Power may have 600 layoffs across 11 states due to both sets of new regulations, Gibbs said.

Texas has filed a federal lawsuit to challenge the downwind EPA regulations. Gov. Rick Perry, a Republican presidential candidate, often denounces the federal agency as a job killer.

Allison Castle, a spokeswoman in Perry's state office, said both Wednesday's regulations and those from this summer were "a continuation of the Obama Administration's assault on traditional American energy sources and the good American jobs they support."

She said the latest round of regulations "will inevitably result in power plant closures, increased costs of electricity, and reduced electricity reliability for American businesses and families, with little to no direct benefit to the environment."

Smith disagreed, saying the industry has known for two decades that mercury would eventually be regulated.

"It's not worth retrofitting a 30- to 40-year-old facility," he said. "But most of them will make the retrofits and continue to operate much more cleanly."

Gibbs, the AEP Texas official, said complying with the new rules could mean idling so many plants for repairs that meeting the state's power needs may get tougher.

"This last summer, without any of these challenges, we were barely able to keep the lights on here in Texas," he said. "So, if you're trying to schedule a significant portion of your power plants to be down ... there could be some real hiccups."

The Star-Ledger
N.J. to benefit from new EPA regulations for coal-fired power plants
Thursday, December 22, 2011, 9:30 AM
By Seth Augenstein

More than 20 years after the Clean Air Act was passed, the Environmental Protection Agency issued a rule Wednesday that particularly benefits New Jersey by forcing coal-fired power plants to reduce their emissions of mercury, arsenic, acid gas, nickel and cyanide by 2014.

New Jersey implemented its own stringent standards for mercury and other toxic pollution in 2004 and now sees most of its coal plant pollution waft in from the west.

"A tremendous amount of mercury comes into New Jersey from out of state," said Judith Enck, the EPA's administrator of Region 2, which includes New Jersey. "Air pollution does not recognize state boundaries."

The EPA estimates the seven New Jersey power plants that will need to cut back emissions disperse 68 pounds of mercury into the air a year, while western neighbor Pennsylvania has 38 power plants that pump out more than 4,000 pounds of mercury a year, much of which falls down on New Jersey.

The new regulation nationally will prevent 11,000 premature deaths per year and 4,700 heart attacks, as well as thousands of cases of asthma and bronchitis, the EPA says.

Federal officials said the law was a long time coming. The Clean Air Act was passed in 1990, but the mercury-emission rule was caught up in litigation for years, according to EPA officials. Lisa Jackson, the current EPA administrator and former head of New Jersey's Department of Environmental Protection,

signed the new rule into effect on Friday, the final day of a court-imposed deadline that resulted from environmental groups suing the EPA.

"The law was passed in 1990 — 21 years ago — and nothing had happened," said U.S. Sen. Frank Lautenberg (D-N.J.). "Today we're telling the polluters 'No more delays.' "

The generation industry, however, contends few if any health benefits will be realized because standards for soot emissions are already so stringent. They also say the environmental rule is not scientifically based.

"The rule suffers from statistical errors, inaccurate technological assumptions and inadequate economic and reliability analysis," said Scott Segal, director of the Electric Reliability Coordinating Council. "Given that the rule is one of the most expensive air rules ever, the American public deserves better."

One New Jersey power company, however, welcomes the changes. Ralph Izzo, the president of PSE&G, wrote a letter to the Wall Street Journal this month urging the adoption of the mercury rule, saying his company invested $1.5 billion to make it possible in the Garden State.

"The vast majority of power plants can meet this schedule," Izzo wrote. "Action is long overdue."

Environmentalists were thrilled with the new rule.

"This landmark achievement reflects what every parent knows, which is that powering our homes should not poison New Jersey's kids," said Doug O'Malley, field director with Environment New Jersey.

"Mercury pollution from coal-fired plants affects us every day, from the can of tuna fish we eat to the air we breathe," added Jeff Tittel, executive director of the New Jersey chapter of the Sierra Club. "Mercury is a neurotoxin that especially affects pregnant women and children. Removing it from the air will help our families become healthier."

New Jersey scientists have said there is a legacy of pollution downwind from Pennsylvania power plants such as the GenOn plant in Portland. Robert Laumbach, an assistant professor at the Environmental and Occupational Health Sciences Institute in Piscataway, said he's seen cases of elevated mercury levels from eating seafood — because the mercury comes with evaporation and precipitation into water sources, where it enters the food chain and eventually ends up on people's plates.

Stanley Weiss, a professor of preventive medicine and community health at the University of Medicine and Dentistry-New Jersey Medical School, said he's identified the cause-and-effect relationship of asthma cases in Belvidere, White Township and Harmony Township to pollution from coal-fired plants in Pennsylvania.

"We saw direct health implications," Weiss said. "Clearly it's affecting all of us."

Associated Press
EPA Tells Coal-, Oil-Fired Plants to Clean Up Air Shut Down
Published December 22, 2011

That's the decision facing hundreds of the nation's oldest and dirtiest power plants under an Environmental Protection Agency rule announced Wednesday that will force plants to control mercury and other toxic pollutants for the first time.

The long awaited national standards rein in the largest remaining source of uncontrolled toxic pollution in the U.S. -- the emissions from the nation's coal- and oil-fired power plants, which have been allowed to run for decades without addressing their full environmental and public health costs.

The impact of the ruling will be greatest in the Midwest and in the coal belt -- Kentucky, West Virginia and Virginia -- where dozens of units likely will be mothballed, according to an Associated Press survey. The majority of facilities will continue to run, and find ways to reduce pollution.

About half of the 1,200 coal- and oil-fired units nationwide still lack modern pollution controls, despite the EPA in 1990 getting the authority from Congress to control toxic air pollution from power plant smokestacks. A decade later, in 2000, the agency concluded it was necessary to clamp down on the emissions to protect public health.

At a news conference Wednesday at Children's National Medical Center in Washington, EPA Administrator Lisa Jackson said the regulation was the Obama administration's "biggest clean air action yet", trumping a landmark agreement to double fuel economy standards for vehicles and another rule that will reduce emissions from power plants that foul the air in states downwind.

The administration was under court order to issue a new rule, after a court threw out an attempt by the Bush administration to exempt power plants from toxic air pollution controls.

"Before this rule, there were no national standards limiting the amount of mercury, arsenic, chromium, nickel and acid gases that power plants across the country could release into the air that we breathe," said Jackson, listing the contaminants linked to cancer, IQ loss, heart disease and lung disease that are covered by the rule, and that also pollute lakes, streams and fish.

In a video released Wednesday afternoon, President Barack Obama said the decades of delays caused by special interest groups that resulted in standards never being put into place for power plants "was wrong."

"Today, my administration is saying, 'Enough'," he said.

When fully implemented in 2016, the standards will slash mercury pollution from burning coal by 90 percent, lung-damaging acid gases by 88 percent and soot-producing sulfur dioxide by 41 percent.

Power plant operators will have to choose between installing pollution control equipment, switching to cleaner-burning natural gas, or shutting down the plant. None of those choices come cheap -- the EPA estimates the rule will cost $9.6 billion annually, making it one of the most expensive the agency has ever issued.

Some power producers intensely lobbied the Obama administration to weaken the rule and to delay it, and Republicans in Congress passed legislation to do so, saying it would threaten jobs and the reliability of the power grid, and raise electricity prices.

To ease those concerns, the administration will encourage states to make "broadly available" an additional fourth year to comply with the rule, as allowed by the law. Case-by-case extensions could also be granted to address local reliability issues, according to a presidential memorandum sent Wednesday to Jackson.

In the memorandum, Obama directs the EPA to ensure that implementation of the rule "proceed in a cost-effective manner that ensures electric reliability."

Environmentalists said Wednesday that the added flexibility did not jeopardize the public health benefits of the regulation.

"After more than two decades of delay, dirty coal-fired power plants are going to be cleaned up in short order," said Frank O'Donnell, president of Clean Air Watch, who said the EPA "bent over backwards" to accommodate concerns about reliability.

For those in the industry, and some in Congress, the concessions didn't go far enough.

Oklahoma Sen. James Inhofe, the top Republican on the Senate's environment committee, said he would file a joint resolution, a rarely used Congressional tactic, to get the rule overturned.

Some in the industry pushed for an automatic delay, or "safety valve," to make sure that plants that have to run to ensure reliability aren't found in violation of the rule and too many plants don't close down at once. In addition to those that will retire, hundreds of units will need to be idled temporarily to install pollution control equipment. Some of those units are at critical junctions on the grid and are essential to restarting the electrical network in case of a blackout, or making sure voltage doesn't drain completely from electrical lines, like a hose that's lost its water pressure.

The Edison Electric Institute, whose members were split on the toll of the rule, said in a statement Wednesday that while the EPA "made useful technical changes", it believes "the administration is underestimating the complexity of implementing this rule in such a short period of time."

The American Coalition for Clean Coal Electricity, which is an association of companies producing electricity from coal, said the rule will destroy jobs, raise the cost of energy and make electricity less reliable. A study by the group estimated that as much as 12 percent of coal-fired generation would be forced to retire due to the regulation.

But an AP survey of 55 power plant producers found that estimate, and others, to be inflated. The mercury rule, along with another to reduce power plant pollution that blows downwind, will force portions of more than 32 mostly coal-fired power plants in a dozen states to retire, and put another 36 power plants on the brink of retirement.

But not a single operator interviewed said the EPA was solely to blame for the decision. And coal is still likely to be the country's dominant electricity source until 2035, according to the Energy Information Administration.

For the older, aging plants, many of which only ran when electricity demand peaked, the rules were the final blow. Coal was already struggling to compete against low natural-gas prices, demand from China and elsewhere driving up its price, and lower electricity demand.

The average age of the units retiring or at risk of shutting down was 51 years old, the AP found. And while they produce enough power for more than 22 million households, experts say they probably won't cause the lights to go out, because in many cases the power is being replaced.

Baltimore Sun
EPA air rule industry hates helps Maryland
Reduces pollution from out of state; MD power plants already comply
By Tim Wheeler
2:00 AM EST, December 22, 2011

The new Environmental Protection Agency rule requiring coal-fired power plants to reduce their emissions of mercury and other toxic air pollutants is generating a lot of debate, with environmental and health groups hailing it while industry groups contend it will hurt the economy.

Here in Maryland, though, it seems tighter regulation is universally welcomed. That's because 70 percent of the mercury that's deposited in state lakes and rivers blows in from out of Maryland, according to the state Department of the Environment. The state has issued warnings against eating a number of fish from Maryland waters because they've absorbed mercury, which can harm the nervous system. It's a particular risk for pregnant women, as children exposed in the womb could suffer impaired thinking, learning and development, according to EPA.

Industry lobbyists and supporters contend the rule could force many coal plants to shut down and endanger electric reliablity, though others, including independent reviewers, have said industry claims are overblown. In Maryland, the EPA rule should have no real impact on the state's coal-fired power plants, state officials say, because they already have added the pollution scrubbers that will be required under the federal rule.

Under Maryland's 2006 Healthy Air Act, power plants have been required to reduce mercury emissions 90 percent and other harmful emissions by 80 to 85 percent, according to George "Tad" Aburn, air management director for the state.

Maryland officials supported EPA's rule, as did Constellation Energy and some other utilities that have already added pollution scrubbers on their coal plants. Aburn said Maryland's plant owners installed some $3 billion worth of scrubbers in less time than the EPA rule would require. And he contended the state law increased employment, rather than cost jobs, as critics have argued the EPA rule will do. Aburn said state plant owners have added 93 permanent jobs to handle the pollution controls, and the installation of scrubbers supported 3,200 construction jobs.

"It's time for the rest of the country's electricity generation sector to catch up with Maryland and do what our power producers have been doing for years now to protect children from toxic mercury and air toxics pollution," said Sen. Benjamin L. Cardin, D-Md.

The Colorado Independent
EPA mercury rules hailed as environmental victory for Obama
By David O. Williams
Thursday, December 22, 2011 at 11:23 am

Tough new U.S. Environmental Protection Agency (EPA) rules limiting mercury, lead and other toxic emissions from coal- and oil-fired power plants were met with widespread praise from previously demoralized environmental groups on Wednesday.

"Congress ordered the EPA to regulate toxic air pollution more than 20 years ago when it passed the Clean Air Act Amendments of 1990," said Rachel Cleetus, senior climate economist at the Union of Concerned Scientists. "The EPA has been regulating most industries, up until now, except for the biggest polluters — coal and oil-fired power plants.

"The public health benefits far outweigh the costs. And contrary to the doomsday predictions of industry and their allies in Congress, the lights will stay on."

Backers of the new rules say mercury is a neurotoxin with serious health implications for children and pregnant women, and the EPA estimates the new rules – which require new scrubber technology within three years (with extension possible on a case-by-case basis) – will prevent up to 11,000 premature deaths each year. Coal industry lobbyists argue the new rules are unnecessary and will increase energy costs in a fragile economy.

Climate change denier and leading oil, gas and coal advocate Sen. James Inhofe, R-Okla., told the Los Angeles Times he'll introduce legislation to overturn the new EPA rules when Congress returns following the holiday break.

"This rule isn't about public health," Inhofe told the Times. "It is a thinly veiled electricity tax that continues the Obama administration's war on affordable energy and is the latest in an unprecedented barrage of regulations that make up EPA's job-killing regulatory agenda."

But Obama will likely veto any such legislative attempt to undercut the new rules even if the Democrat-controlled Senate passes Inhofe's bill, which is highly unlikely.

In Colorado, Xcel Energy is out ahead of the new rules thanks to the Clean Air, Clean Jobs Act in 2010 that compelled the state's largest public utility to shut down several aging coal-fired power plants and convert others to cleaner-burning natural gas and renewable energy.

"We are modernizing our system and significantly reducing emissions under the state's Clean Air-Clean Jobs Act," Xcel officials said in a statement Wednesday, according to the Denver Post. "We also currently use activated carbon injection to control mercury emissions at our Pawnee Generating Plant and at all three units of our Comanche Generating Plant."

Clean Air, Clean Jobs – highly controversial at the time it was passed – is now being held up as a model for other states, including neighboring Wyoming.

Environmental groups were dispirited by the Obama administration decision last summer to hold off on implementing new EPA smog rules ahead of a scheduled review in 2013.

Conservationists also have been sharply critical of the State Department approval this fall of the controversial Keystone XL pipeline, although Obama later scored points by delaying that decision until after the 2012 election. Now a provision to fast track his decision has been included in a payroll tax cut extension that's stalled in the House.

Colorado Congresswoman Diana DeGette today said Keystone XL was a necessary compromise to provide payroll tax relief and extend unemployment benefits and reimbursement for Medicare

"Over in the House, the Democrats, we don't love this compromise," DeGette, a Denver Democrat, said on a call with reporters today. "We don't think it should be for two months. We don't like the extension of this pipeline that was in it. We don't like some of the ways it was paid for. But the fact is it was a compromise."

BNA
EPA Finalizes Rule to Reduce Mercury, Air Toxics Emissions From Power Plants
Thursday, December 22, 2011

By Jessica Coomes and Andrew Childers

The Environmental Protection Agency issued a final rule Dec. 21 setting stringent mercury and air toxics standards for power plants, with an enforcement process for utilities to receive an additional year beyond the standard compliance period to install pollution controls.

The additional time is meant to address criticism that the regulation would force the shutdown of coal-fired power plants and jeopardize electricity reliability, EPA said.

“The lights will stay on, and we'll have clean air,” EPA Administrator Lisa Jackson told reporters Dec. 21 in announcing the release of the rule at the Children's National Medical Center in Washington, D.C.

Overall, the final rule is largely similar to the proposed version released in March, although EPA made some changes, including adjustments to some emissions limits for air toxics. For example, the final rule sets limits for filterable particulate matter, rather than total particulate matter, as a surrogate for metallic air toxics.

Although some industry representatives and lawmakers said the rule will force power plant shutdowns, health and environmental advocates hailed the regulation as a long-overdue victory that has been required since the Clean Air Act Amendments of 1990 were enacted.

The rule has been called utility MACT because it requires the use of maximum achievable control technology.

Obama Calls Rule ‘Bold Step.'

President Obama, in a video on a White House blog, said the 1990 law was “a bold and necessary step” but that “special interest groups” have delayed enactment of power plant emissions standards for 21 years.

“That was wrong,” Obama said. “Today, my administration is saying, ‘Enough.' ”

EPA said power plants account for half of the country's mercury emissions, and the final rule is expected to prevent as many as 11,000 premature deaths each year.

Jeff Holmstead, a former EPA assistant administrator for air and radiation and now an attorney for Bracewell & Giuliani LLP, told BNA Dec. 21 that EPA officials are on a mission “to do everything they can to ensure all coal-fired power plants have all of the latest and greatest pollution controls or shut down, and there is a recognition that this may create problems, but they view that as somebody else's problem. That puts more burdens on the utility industry to work to get something more reasonable in place.”

$9.6 Billion in Annual Costs

EPA estimated the regulation will entail an annual cost of $9.6 billion for the power industry, but $1 billion less than the proposed regulation would have cost. Jackson said the estimated compliance costs went down because the final rule adds flexibility to how industry can meet the standards.

“The rule is still the most expensive Clean Air Act rule ever imposed on the power sector,” Scott Segal, director of the Electric Reliability Coordinating Council, told BNA Dec. 21. “I'm not sure that [$1 billion] difference makes all that much difference.”

The standards apply to 600 power plants that have 1,400 electricity generating units—1,100 coal-fired units and 300 oil-fired units.

EPA said 40 percent of those units do not have advanced pollution controls. The agency is requiring the installation of controls, including electrostatic precipitators, baghouses, scrubbers, and dry sorbent injection.

Rise Predicted in Electricity Prices

Jay Timmons, president and chief executive officer of the National Association of Manufacturers, said in a statement Dec. 21 that the rule will cause electricity prices to rise.

“Manufacturers use one-third of our nation's energy supply, so a jump in energy prices will have a devastating impact on companies of all sizes, harming their ability to create jobs, invest, and grow,” Timmons said.

EPA expects the rule will prompt the retirement of 4.7 gigawatts of the country's 1,000 gigawatts of electricity generating capacity. Most of the retiring units are old and do not have modern pollution controls, EPA said.

Rep. Fred Upton (R-Mich.), chairman of the House Energy and Commerce Committee, said in a statement Dec. 21 that “parts of the country face very real threats of rolling brownouts and blackouts” because of the utility MACT rule.

Sen. James M. Inhofe (R-Okla.), ranking member of the Senate Environment and Public Works Committee, said Dec. 21 he would file a joint resolution of disapproval under the Congressional Review Act to nullify the rule, which he called “a thinly veiled electricity tax that continues the Obama Administration's war on affordable energy and is the latest in an unprecedented barrage of regulations that make up EPA's job-killing regulatory agenda.”

Additional Time to Install Controls

Power plants will have three years to install pollution controls, as the Clean Air Act allows, with the possibility of receiving one-year extensions on a case-by-case basis from local permitting authorities.

Jackson said she will tell states to make “very liberal use of the fourth year for companies putting on controls.”

In addition, the administration is allowing utilities that are needed to ensure electricity reliability to schedule an additional year to install controls through an enforcement process under Section 113 of the Clean Air Act.

However, EPA said “there will be few, if any situations, in which this pathway will be needed.”

“In the unlikely event that there are other situations where sources cannot come into compliance on a timely basis, consistent with its longstanding historical practice under the Clean Air Act, the EPA will address individual noncompliance circumstances (if there are any) on a case-by-case basis, at the

appropriate time, to determine the appropriate response and resolution," the agency said in a fact sheet on the final rule.

Changes from Proposed Version

EPA said it made changes to the rule based on the thousands of public comments it received, aiming to make "implementation easier and less costly."

For example, EPA is allowing filterable particulate matter—rather than filterable and condensable particulate matter—to be a surrogate for metallic air toxics. The agency said most air toxics consist of filterable particles.

In addition, EPA is allowing work practice standards during periods of startup and shutdown because numeric emissions limits were not feasible.

"Those are meaningful, good changes, but they're not nearly enough," Segal said. "When you look at the changes EPA has made in this rule, there is not a lot of additional flexibility."

EPA said it also changed the definitions for subcategories of coal-fired electricity generating units because the proposed definitions were confusing and not specific enough.

The final rule also adds separate subcategories for oil-fired units that are outside the continental United States and units that are used on a limited basis.

Numeric Emissions Limits Set

The rule sets national emissions standards for hazardous air pollutants for power plants. MACT standards represent the emissions levels being achieved by the best-performing 12 percent of power plants, and they are issued under Section 112 of the Clean Air Act.

For coal-fired generating units, the rule sets numeric emissions limits for mercury, filterable particulate matter as a surrogate for toxic metals, and hydrogen chloride as a surrogate for acid gases.

For oil-fired units, the rule sets numeric emissions limits for filterable particulate matter as a surrogate for toxic metals, hydrogen chloride, and hydrogen fluoride.

In conjunction with the hazardous air pollutants standards, the final rule revises new source performance standards for power plants to address emissions of particulate matter, sulfur dioxide, and nitrogen oxides.

Legal Settlement Prompted Rule

The utility MACT rule replaces the Clean Air Mercury Rule, which the U.S. Court of Appeals for the District of Columbia Circuit struck down in 2008 (New Jersey v. EPA, 517 F. 3d 574, 65 ERC 1993 (D.C. Cir. 2008); 39 ER 301, 2/15/08).

Under a legal settlement with health and environmental groups, EPA proposed the utility MACT rule in March (American Nurses Ass'n v. Jackson, D.D.C., No. 08-2198, order issued 10/24/11; 42 ER 541, 3/18/11).

A final rule originally was due Nov. 16 under the settlement, but EPA sought a one-month delay to respond to the 960,000 public comments it said it received on the proposal.

EPA signed the final rule Dec. 16 but did not release it publicly until Dec. 21.

Ann Brewster Weeks, legal director of the Clean Air Task Force, told BNA Dec. 21 that the final rule "struck exactly the right note" in achieving emissions reductions in a way that will ensure electricity reliability. The Clean Air Task Force represents parties in the litigation.

"We're pleased with what came out today," she said. "Provided that the utility companies do what they're supposed to do, this will be implementable."

Legal challenges are expected to be filed over the final rule. Holmstead said one issue he expects to come up in litigation is whether EPA acted legally when it made a finding that it is "appropriate and necessary" to regulate air toxics emissions from power plants.

Cross-State Rule Also Implemented

The utility MACT rule is the second regulation issued in recent months targeting power plant emissions.

In July, EPA finalized the Cross-State Air Pollution Rule, which requires electric utilities in several states to reduce interstate transport of nitrogen oxides and sulfur dioxide. The compliance period for the cross-state rule begins Jan. 1, 2012.

The proposed utility MACT rule estimated it would save up to 17,000 premature deaths each year, while the final rule lowered that estimate to 11,000 deaths. Jackson said the number went down because the cross-state rule's health benefits were "greater than we thought, which means there's less pollution to be attacked by this one."

Time (EcoCentric Blog)
Clean Air: The EPA Finally Tackles Mercury Pollution
By BRYAN WALSH
December 22, 2011

At the start of the fall, greens were not happy with President Obama. There was lingering disappointment about the failure of climate legislation a year before—a failure that many environmentalists blamed on insufficient action from the White House. That was bad enough, but at the beginning of September Obama shocked many of his environmental allies by pulling back proposed tough standards on smog pollution, undercutting his own Environmental Protection Agency (EPA). And there was more anger—including sustained protests outside the White House—over the possible approval of the proposed Keystone XL pipeline, which would bring Canadian oil sands to the U.S. Influential environmentalists were talking seriously about withholding full support for Obama in 2012, despite the fact that a Republican President would almost certainly be disastrous for environmental protection. It didn't matter—greens were that mad.

Fast forward a few months, however, and things have changed. Obama decided last month to put off any decisions on the Keystone XL pipeline until 2013, ostensibly to allow more time for study. He threatened to veto any Congressional bill that would force his hand on the pipeline. And then on December 21, the White House announced the first-ever regulations on mercury pollution from power plants, a controversial set of rules—fiercely opposed by Republicans and much of the utility industry—that had been in the works for more than two decades. The regulations are a win for environmentalists and for public health, but the announcement also helps cement Obama's relationship to his green base heading into an election year.

Here's what EPA head Lisa Jackson said at the unveiling of the regulations, held at the Children's National Medical Center in Washington:

I am glad to be here to mark the finalization of a clean air rule that has been 20 years in the making, and is now ready to start improving our health, protecting our children, and cleaning up our air. Under the Clean Air Act these standards will require American power plants to put in place proven and widely available pollution control technologies to cut harmful emissions of mercury, arsenic, chromium, nickel and acid gases. In and of itself, this is a great victory for public health, especially for the health of our children.

You can find the full rules here—much of what I wrote about the pending mercury regulations in a blog post last Friday is still relevant:

Mercury is a neurotoxin—one that's especially dangerous to children—and trace amounts of it can be found in some forms of coal, especially from the West. When that coal is burned, the mercury is released into the air, where it can attack us directly, or wind its way up the food chain, often through fish. (Concerns about mercury levels is one reason that pregnant women are often advised to avoid sushi and other seafood.) The EPA has been looking at regulating mercury since the Clean Air Amendments of 1990 were passed—with remarkably bipartisan support—but the agency dragged its feet, issuing its first study in 1998 and the first attempt at regulations under former President George W. Bush in 2005. But those rules were considered so lax that a federal court threw them out and ordered the agency to come up with something more stringent. Now—seven years later—the EPA is on the brink of doing just that.

The new rules will cut mercury, as well as several other air toxins—including arsenic—chiefly from coal-fired power plants. The public health benefits are impressive: the agency said the rules will prevent some 11,000 premature deaths a year and 130,000 childhood asthma symptoms. The costs may sound high—the EPA estimates the price of complying with the regulations will run to $11 billion a year—but the rules should reduce health costs by preventing asthma, hospital visits and premature deaths at a much higher return, as Eileen Claussen of the NGO C2ES said:

These investments will pay important dividends by reducing health costs by $37-90 billion in 2016 alone. EPA has taken steps to allow time to install new controls and to ensure energy reliability, but implementation will have to be carefully monitored to ensure that any bottlenecks are addressed in a timely manner.

Many—but not all—utilities are complaining about the cost of the regulation. Scott Segal, who represents utilities, said:

The bottom line…this rule is the most expensive air rule that E.P.A. has ever proposed in terms of direct costs. It is certainly the most extensive intervention into the power market and job market that E.P.A. has ever attempted to implement.

But many utilities say they've already prepared for the regulations, which—let's not forget—have been on the way for years. And the EPA is giving power plants a little extra time to prepare for the rules, which won't fully kick in for another four years, or 24 years after the 1990 Clean Air Act was passed. Waivers will be available for individual plants to ensure that electricity is flowing, even as the rules prevent 90% of the mercury in coal burned in power plants from being emitted into the air.

The mercury regulations were an early Christmas present for environmentalists, who've waited years for this day, and for the EPA's Jackson, a public health advocate whose son has asthma. They're also a reminder that greater change can often come about through the nitty-gritty work of executive rulemaking

than through big bills in Congress. (This is especially true when Congress seems bound and determined not to do anything at all.) Young greens who threatened to sit out 2012 if Obama failed to stop Keystone XL should take note: this is how having an environmentally-friendly President in the White House really pays off.

St. Louis Post-Dispatch
Missouri, other coal states in crosshairs of EPA mercury rule
BY JEFFREY TOMICH
Thursday, December 22, 2011

The Obama administration on Wednesday announced landmark new rules requiring power plants to sharply reduce emissions of mercury and other toxic pollutants.

The regulations, first proposed in March, were finalized last week by the Environmental Protection Agency under a court deadline, and have been subject to heavy lobbying and vigorous debate between the electric industry and environmental and public health advocates.

Utilities and their allies in Congress have complained the regulations are the costliest of several tough regulations already or soon to be imposed on coal-burning utilities and said the agency has underestimated both he difficulty of implementing it and the economic fallout that will occur as a result. States like Missouri, which gets 80 percent of its electricity from coal, will be especially hard hit, they say.

But EPA officials insist that the regulations will bring $37 billion to $90 billion in public health benefits by 2016. That overwhelms the estimated $10 billion cost to utilities and their consumers.

"This is a great victory for public health," EPA Administrator Lisa P. Jackson said during a briefing with reporters. "Coming generations will grow up exposed to lower levels of toxic pollution in the air they breathe."

Backers say the regulations are an especially important advance, especially in states like Missouri, where there are presently no limits on mercury emitted from power plant stacks. Illinois, which gets almost half of its power from coal, put more stringent mercury standards in place several years ago and has seen emissions decline.

The rules replace less aggressive limits on mercury established by the George W. Bush administration that were later thrown out by the federal courts. The Bush rules had established a cap-and-trade program that allowed utilities that reduced emissions to could sell credits to those that didn't.

The final regulations affect about 600 oil- and coal-burning power plants that will have three years, and in some cases longer, to slash mercury emissions by 90 percent and make deep cuts in the release of gases like hydrochloric acid and metals like arsenic and chromium for which there are currently no national standards.

St. Louis-based Ameren Corp., one of the nation's biggest coal-burning utilities, estimates it will spend hundreds of millions of dollars to upgrade its nine coal power plants in Illinois and Missouri to comply.

"We're going to have to put some form of additional controls on all of our plants on both sides of the river," Mike Menne, the company's vice president of environmental services, said in an interview.

Ameren, which recently cited previous environmental regulations for a decision to close two small coal-fired plants in Illinois, said no additional plants will need to be shuttered.

Menne isn't certain that Ameren would be able to meet the new emissions standards within three years as required, and may need to use a provision in the rules to seek an extension.

"We think because we have so many units it may take us longer," Menne said. The exact timing and costs will depend on many factors, including the availability of equipment, he said.

Ameren has already implemented new pollution controls at the company's Illinois coal plants and is achieving mercury reductions of 40 percent to 80 percent. In Missouri, it recently spent $600 million on new equipment at its Sioux plant in St. Charles County that captures mercury and other pollutants, and it has tested mercury controls at its Meramec and Labadie plants.

The 1,600-megawatt Labadie plant is just the kind of industrial polluter that the new rule targets. Not only is it Missouri's largest power plant, it doesn't presently have any form of mercury controls and was the nation's second-largest mercury emitter in 2010, according to EPA data. As a state, Missouri ranked fourth for mercury emissions.

The so-called mercury and air toxics standard comes just months after the agency finalized another set of tough regulations that require steep reductions of sulfur dioxide and nitrogen oxide emissions in 27 eastern states, including Missouri, beginning next year.

The combination of new and proposed requirements for coal-burning power plants and regulations on mining have drawn a sharp response from Congressional Republicans like U.S. Sen Roy Blunt of Missouri.

Blunt, who has accused Obama's EPA of waging a war on coal, estimated the new power plant emissions rules promulgated over the past six months will cost the nation more than a million jobs and drive up electric rates in states such as Missouri by 20 percent. He vowed "to continue working to stop rules like this and other job-destroying regulations."

Karl Brooks, the regional administrator for the EPA in Kansas City, said Missouri could see 3 percent increases in electricity costs over time, but will benefit more than many other states through hundreds fewer premature deaths and sick days, doctor's visits and hospital stays.

"Ordinary people bear the cost of pollution," he said.

Environmental and public health groups say the rule was necessary and long overdue.

"We are extremely pleased that the EPA held firm in issuing these standards on time and at levels of stringency that promise significant public health protections," said Ann Weeks, senior counsel for the Boston-based Clean Air Task Force, who was the lead counsel in the court case that established the deadline for issuing the regulations announced Wednesday. "Americans have been waiting for nearly a decade for the Agency to regulate the dangerous air toxics released by this industry."

Power plants are the largest source of airborne mercury, a neurotoxin that accumulates in lakes and streams and becomes more potent as its ingested by fish -- the main source of exposure for people.

Pregnant women, unborn babies and young children are especially vulnerable to mercury, according to studies linking high levels to development of nervous systems, which can impair children's ability to think and learn.

Other toxic metals emitted from power plant stacks such as arsenic, chromium and nickel can cause cancer. And cutting emissions will also reduce the amount of fine particle pollution that contributes to heart attacks, bronchitis and asthma.

EPA officials challenged industry's dire predictions about coal plant closures and impacts on reliability, and said technology needed to meet the standards are widely available and already in use at more than half of the nation's coal-fired power plants.

Jackson estimated that the regulations would indirectly force 4.7 gigawatts of coal-fired generation -- less than 0.5 percent of the nation's total -- offline. Ultimately, she said "businesses will make a business decision" whether to invest in emissions controls, switch to cleaner fuels or close plants.

She also said the rules would be a net jobs creator, sparking 46,000 temporary construction jobs and 8,000 permanent jobs.

The regulations announced by the EPA on Wednesday differ only slightly from the version proposed nine months ago. The agency said changes makes the rules easier and less costly to implement and shave more than $1 billion from the cost to industry.

Even though the rule was a long time coming and suffered setbacks, it got done and will get results, Brooks said.

"I think people are going to look back at 2011 as the year we really delivered on the promise of the Clean Air Act," he said.

Pittsburgh Business Times
EPA's mercury rule and its SWPA aftermath
by Anya Litvak, Reporter
Thursday, December 22, 2011

Thursday, the Environmental Protection Agency finalized its Mercury and Air Toxics Standards aimed at curbing pollution from coal-fired and oil-fired power plants.

None of our region’s power plants are projected to be in danger of shutting down or retiring as a result of the rule. But here are some of the ways it will impact the Pittsburgh area and its economy.

According to the EPA’s analysis, enacting the rule will drive retail electricity prices in southwestern Pennsylvania up 4.5 percent by 2015, 2.8 percent by 2020 and 1 percent by 2030. All of those are higher than the U.S. average and would be the second highest hike among 13 regions in the U.S.

The same analysis also projects Appalachian coal producers will be supplying 6 percent less of their products to electric power plans in 2015 than in 2009. Instead, the Interior region, which includes the “abundant Illinois Basin,”will likely pick up the slack since it’s cheaper to mine.

Health benefits: According to the EPA, the new rule will prevent 530 premature deaths in Pennsylvania and create up to $4.4 billion in health-related benefits in five years.

On a local note, one company that might see a fiscal health benefit is Robinson Township-based Calgon Carbon Corp . (NYSE: CCC). Calgon uses activated carbon for air and water purification.

When our manufacturing reporter Malia Spencer talked with Calgon's Chairman, President and CEO John Stanik last month, he told her that environmental policy changes, including the mercury rule, provide "tremendous opportunity" for the company's growth.

Just this week the company reorganized some executives to handle the growth it expects over the next 5 years.

Of course in the long run, the winner in all of this will be natural gas, according to the EPA. As the use of coal in power generation drops by about 4 percent by 2030 as a result of the rule, nuclear, hydroelectric, wind and solar combined are projected to increase by less than half a percent. Natural gas combined cycle plants, however, should see a 3 percent bump as a result of tightened emissions, the agency forecasts.

Editorials/Op-Eds

The Star-Ledger (Editorial)
On mercury standards, better late than never
Published: Thursday, December 22, 2011, 5:59 AM

Mercury is a known neurotoxin that is especially harmful to pregnant women and children. The science on this is beyond dispute.

And yet, the federal government has never set standards on mercury emissions at power plants, the source of about half the mercury we are exposed to in our fish, soil and air.

That changed yesterday, thanks to tough new rules issued by Lisa Jackson, a New Jersey alum who now runs the U.S. Environmental Protection Agency.

The rules issued yesterday were 20 years in the making, delayed repeatedly by the powerful clout of the coal industry. It is a travesty that we have been unprotected for so long, a failure that has left thousands of people dead and many more struggling with asthma, emphysema and brain damage.

The new rules will have little impact on power plants in New Jersey, where standards are more strict than in most states. But one-third of New Jersey's air pollution floats across our borders from coal states to our west and south.

Predictably, the coal companies are protesting this decision, saying it will kill jobs and force closures of coal plants that are needed to maintain reliability.

But power companies have until 2015 to comply and can apply for an extra year if needed. And while the added costs could drive up electricity rates modestly, the rules also will create jobs by forcing power companies to invest in pollution control. And each $1 in cost will be offset by $9 in savings on health care, according to the EPA, which estimates that the new rules will prevent 11,000 premature deaths a year and 130,000 cases of childhood asthma by 2016.

Yesterday's decision comes as a relief. President Obama caved to pressure last summer when new standards on smog were shelved. This time, he is sticking to the science. And that will allow us all to breathe more easily.

NY Times Editorial
Toward Healthier Air
December 22, 2011

Resisting strenuous last-minute lobbying by some of the nation's biggest utilities, the Obama administration announced on Wednesday a final rule requiring power plants to reduce emissions of mercury and other toxic pollutants by roughly 90 percent within the next five years.

This is a big victory for environmentalists and scientists who have worked for 20 years to regulate these pollutants — and an even bigger one for the public. When fully effective, the rule could save as many as 11,000 premature deaths a year and avoid countless unnecessary illnesses.

The decision compensates, at least in part, for the White House's lamentable decision two months ago to reject stricter health standards for smog. That and the administration's failure to give full-throated support to climate change legislation last year had disheartened many of the president's environmental supporters.

The administration can now legitimately point to three measures that will almost certainly lead to cleaner power plants and vehicles, more breathable air and fewer greenhouse gas emissions: a ruling in July setting new limits on interstate emissions of sulfur dioxide, the main acid rain gas; a landmark deal announced in November aimed at doubling automobile fuel efficiency by 2025; and, now, the new mercury rule.

Some power companies and their Republican allies argued that the rules will impose high costs with relatively little payoff, but the evidence does not support that view. The Environmental Protection Agency estimates the annual cost of compliance at $10 billion, compared with annual savings in health costs of between $37 billion and $90 billion by 2016. Mercury is a potent neurotoxin and can adversely affect the nervous system in children; other toxins covered by the rule can cause asthma and cancer.

Nor is there merit in the argument that the technology for controlling these pollutants is not available. One-third of the states have already imposed their own rules on such toxics, and several forward-looking utilities have installed pollution controls that can be upgraded without great effort or expense to meet the new federal standards.

Some old coal-fired power plants will have to be shut down, but many had been scheduled for retirement and others can be retrofitted or replaced with cleaner gas-fired facilities. The E.P.A. will also have flexibility to give extensions to companies that can demonstrate they need an extra year to comply.

The rule, which industry can afford, is a long overdue measure for cleaner air and a healthier America.

NYTimes.com (Paul Krugman Blog)
The Meaning of Mercury
December 22, 2011, 8:56 AM

David Roberts reports on the EPA's decision, finally, to regulate mercury from coal plants:

Anyone who pays attention to green news will have spent the last two years hearing a torrent of stories about EPA rules and the political fights over them. It can get tedious. After a certain point even my eyes glaze over, and I'm paid to follow this stuff.

But this one is a Big Deal. It's worth lifting our heads out of the news cycle and taking a moment to appreciate that history is being made. Finally controlling mercury and toxics will be an advance on par with getting lead out of gasoline. It will save save tens of thousands of lives every year and prevent birth defects, learning disabilities, and respiratory diseases. It will make America a more decent, just, and humane place to live.

Let me repeat part of that: it will save tens of thousands of lives every year and prevent birth defects, learning disabilities, and respiratory diseases. This is actually a much bigger issue, when it comes to saving American lives, than terrorism.

As Roberts explains, we've known about these costs of mercury pollution for decades, yet it took until now to get something done. The reason is, of course, obvious: special interests, hiding behind claims of immense economic damage if anything was done, were able to block action.

It's worth noting that these claims of economic harm from pollution regulation have always been proved wrong when the regulation finally came. Ozone regulation was supposed to cripple the economy; so was acid rain regulation; neither did.

Oh, and if we're going to have to scrap some power plants and replace them, it's hard to think of a better time to do it than now, when the workers and resources needed to do the replacing would largely have been unemployed otherwise.

The point that strikes me most, however, is that this shows that it matters who holds the White House. You can complain about Obama's lack of a strong progressive agenda, which I sometimes do, or wonder what good it is to hold the White House when the other side blocks every attempt to do good through legislation. But mercury regulation would not have happened if John McCain were president.

Elections have consequences, and this is one delayed consequence of 2008 that will make a big difference.

Wall Street Journal (Opinion)
Lisa Jackson's Power Play
Harming the economy, degrading the U.S. grid: another day at the EPA.
December 22, 2011

At an unusual gala ceremony on the release of a major new Environmental Protection Agency rule yesterday, chief Lisa Jackson called it "historic" and "a great victory." And she's right: The rule may be the most expensive the agency has ever issued, and it represents the triumph of the Obama Administration's green agenda over economic growth and job creation. Congratulations.

The so-called utility rule requires power plants to install "maximum achievable control technology" to reduce mercury emissions and other trace gases. But the true goal of the rule's 1,117 pages is to harm coal-fired power plants and force large parts of the fleet—the U.S. power system workhorse—to shut down in the name of climate change. The EPA figures the rule will cost $9.6 billion, which is a gross, deliberate underestimate.

In return Ms. Jackson says the public will get billions of dollars of health benefits like less asthma if not a cure for cancer. Those credulous enough to believe her should understand that the total benefits of mercury reduction amount to all of $6 million. That's total present value, not benefits per year—oh, and that's an -illion with an "m," which is not normally how things work out in President Obama's Washington.

The rest of the purported benefits—to be precise, 99.99%—come by double-counting pollution reductions like soot that the EPA regulates through separate programs and therefore most will happen anyway.

Using such "co-benefits" is an abuse of the cost-benefit process and shows that Cass Sunstein's team at the White House regulatory office—many of whom opposed the rule—got steamrolled.

As baseload coal power is retired or idled, the reliability of the electrical grid will be compromised, as every neutral analyst expects. Some utilities like Calpine Corp. and PSEG have claimed in these pages that the reliability concerns are overblown, but the Alfred E. Newman crowd has a vested interest in profiting from the higher wholesale electricity clearing prices that the EPA wants to cause.

Meanwhile, the Federal Energy Regulatory Commission, which is charged with protecting reliability, abnegated its statutory responsibilities as the rule was being written.

One FERC economist wrote in a March email that "I don't think there is any value in continuing to engage EPA on the issues. EPA has indicated that these are their assumptions and have made it clear that are not changed [sic] anything on reliability . . . [EPA] does not directly answer anything associated with local reliability." The EPA repeatedly told Congress that it had "very frequent substantive contact and consultation with FERC."

The EPA also took the extraordinary step of issuing a pre-emptive "enforcement memorandum," which is typically issued only after the EPA determines its rules are being broken. The memo tells utilities that they must admit to violating clean air laws if they can't retrofit their plants within the EPA's timeframe at any cost or if shutting down a plant will lead to regional blackouts. Such legal admissions force companies into a de facto EPA receivership and expose them to lawsuits and other liabilities.

The economic harm here is vast, and the utility rule saga—from the EPA's reckless endangerment to the White House's failure to temper Ms. Jackson—has been a disgrace.

Forbes
Merry Christmas America, Now Give Us Your Money - Love, EPA.
James Taylor, Contributor
OP/ED | 12/22/2011 @ 12:18PM |1,019 views

If you found it difficult this year to save enough money to purchase Christmas gifts for your loved ones, just wait until 2012. The U.S. Environmental Protection Agency yesterday announced new mercury restrictions on coal power plants that will impose anywhere from $10 billion (EPA's estimate) to $200 billion (third-party estimates) in new costs on energy production. On a per household basis, that imposes anywhere from $100 to $2,000 in additional energy costs on the average U.S. household each and every year.

Although the new restrictions do not take effect until 2015, energy providers will have to take immediate action to meet the deadline. U.S. electricity prices have already increased by nearly 50 percent during the past decade, and EPA's new restrictions will merely accelerate that trend. Start taking still more money out of next year's Christmas envelope and transfer it over to the monthly electricity envelope.

Despite the high costs, perhaps the new restrictions would make sense if the United States faced a severe and worsening environmental mercury problem. Exactly the opposite is the case.

EPA reports that mercury emissions in the United States have declined by approximately 60% since 1990. The dramatic reduction in mercury emissions is consistent with the reduction in air pollution across the board. EPA reports that emissions of the Six Principal Pollutants it monitors have decreased by 67%

since 1980. This trend will continue even without EPA's new mercury restrictions, as natural gas continues to claim an ever-greater share of electricity output in the nation. Natural gas power is dramatically cleaner than coal power and cuts most emissions by 80 to 100 percent. Natural gas cuts mercury emissions by more than 90% in relation to coal.

Still further, there would be little reason for concern even if the dramatic and ongoing decline in mercury and other emissions were not already taking place. As scientist Willie Soon summarized in a Wall Street Journal article earlier this year, "To build its case against mercury, the EPA systematically ignored evidence and clinical studies that contradict its regulatory agenda, which is to punish hydrocarbon use."

Soon presented more than 80 pages of research supporting his article, documenting that environmental mercury levels in the United States are far from being a serious health threat. Soon demonstrated how EPA conducted no original research and cherry-picked available studies to present the bleakest possible picture regarding environmental mercury and human health. In doing so, EPA relied on the studies with glaring scientific flaws while ignoring much more credible studies showing no serious health risks.

Given the long-term improvement in our nation's air quality and the steep price of the new restrictions, the timing and rationale of EPA's decision seem rather curious. However, environmental activist groups have long since abandoned sound science and cost-benefit analyses in their war on conventional energy. Oil, coal, natural gas, nuclear, and hydro-power are the enemy. Anything short of wind and solar power, with a very few minor exceptions, are to be fought at all costs. And even wind and solar power are mere bridges to a future where energy usage is restricted to our most basic needs.

In the meantime, if global warming can justify shutting down coal power plants, then play up global warming fears. If flimsy mercury studies can justify shutting down coal power plants, then play up mercury fears. And if mercury emissions are already in rapid decline anyway, keep claiming our nation's air quality keeps getting worse and hope that the truth doesn't get out.

Merry Christmas, now give us more of your money.

Salt Lake Tribune (Editorial)
Dirty power
December 22, 2011

New federal regulations limiting emissions of toxic mercury and other pollutants from power plants — mostly coal-powered — seem already to be having one beneficial effect. About 68 of the oldest plants and some of the biggest polluters will probably close after the new rules go into effect in 2014-'15.

The new EPA requirements will force 33 plants to close, while an additional 36 could close due to the costs of required upgrades. Some of the older plants were already on track to be shuttered, and the new regulations will only bring on the inevitable sooner.

That's good news for the millions of Americans suffering from the ill effects of breathing the toxins spewed into the air by these plants. The EPA estimates that the reduction in air-borne toxins will prevent as many as 11,000 premature deaths and 4,700 heart attacks a year, 130,000 cases of childhood asthma and about 6,300 cases of acute childhood bronchitis each year

And, even better news is found in an Associated Press survey of power-generating utilities that debunks the doomsday predictions coming from some Congress members, unions and coal and power producers.

The industry interest groups have said that regulating emissions of mercury and other toxic pollutants from power plant smokestacks for the first time would cause major power blackouts.

In fact, according to the survey, which asked power-generating companies to outline their plans for older, dirty plants and how the new rules would affect the power supply and employment, that won't happen.

The two new rules — to limit air pollution in states downwind from coal-burning power plants and to set standards for mercury and other pollutants — could be responsible for the closures of more than 8 percent of the coal-burning plants in the country. The average age of those plants is 51 years, and many were to be closed anyway.

But some towns, mostly in rural areas since dirty power plants are usually located where most of us don't have to see them, will be affected by job losses and shrinking revenue.

One of Utah's six largest power plants, the PacifiCorp coal-burning Carbon plant in Price Canyon, could close earlier than its 2020 shutdown date because of the rules. The two-unit plant has been operating for 57 years and, in 2010, spewed nearly 216 tons of pollutants, including toxic mercury, chromium, lead and hydrochloric acid.

The switch away from dirty power is inevitable. While there will be a short-term economic burden as old, coal-fired plants close, the health benefits from cleaner air are worth it.