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Fact Sheet

The U.S. Environmental Protection Agency's Proposed *National Emission Standards for Hazardous Air Pollutants: Coal- and Oil- Fired Electric Steam Generating Units Review of the Residual Risk and Technology Review.*

Docket ID No. EPA-HQ-OAR-2018-0794

*The comment deadline is **June 23, 2023.** Your comment letter can be submitted electronically to the Federal Rulemaking Portal.* https://www.regulations.gov/ OR email to a-r-Docket@epa.gov.

Background

Electricity generation in the United States is transitioning from fossil fuel burning electric steam generating units to renewable sources – principally wind and solar. Carbon dioxide, a significant greenhouse gas, emitted from coal and fuel oil combustion is a major contributor to climate change. Coal and oil naturally contain many impurities that when burned are released into the environment unless captured and managed appropriately. The Clean Air Act (CAA) authorizes the Environmental Protection Agency (EPA) to promulgate emissions standards for combustion byproducts. Pursuant to CAA Section 112, the EPA adopted *National Emission Standards for Hazardous Air Pollutants for Coal- and Oil-Fired Electric Steam Generating Units* in February 2012. These requirements are known as the Mercury and Air Toxic Standards (MATS). Great reductions in emissions of these pollutants have been achieved during the ensuing decade. As technologies and operating practices have been developed, the EPA is proposing that modifications to the MATS are appropriate. When implemented, the required emission reductions would result in even less impact to human health and the environment from the targeted pollutants.

Overview

The proposed rule titled *National Emission Standards for Hazardous Air Pollutants: Coal- and Oil- Fired Electric Steam Generating Units Review of the Residual Risk and Technology Review* is one component of EPA Administrator Regan's efforts "…to protect communities across the nation from the various health and environmental impacts of power plant pollution."[1,2] More specifically, the EPA has reviewed the original MATS rule as required in Section 112 of the Clean Air Act.[3] This "residual risk and technology review" of MATS was completed in 2020 and was further analyzed in 2023.[4] In the current proposed rule changes, the EPA is not proposing any changes to the risk analysis portion of the previous risk analysis, but is proposing new standards based on improved technologies available for reducing emissions of multiple pollutants from coal-fired electric generating units (power plants) plus additional requirements for monitoring and reporting emissions of specific pollutants.

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Mercury Emissions

The EPA cites a report from 2021 that mercury emissions from coal-fired electric generating units (EGUs) have decreased by 90 percent since the initial MATS requirements of 2012.[5] Thus, the current proposed standards would change requirements for reduced mercury emissions in two focused ways. First, coal fired EGUs that burn lignite would be required to meet the same emissions standards as those burning other types of coal i.e., 1.2 pounds per trillion Btus of heat input (1.2 lbs/TBtu). The current limit for these facilities is 4.0 lbs/TBtu. Lignite-burning EGUs are located almost exclusively at or near lignite deposits and mines in the upper Midwest. Second, mercury emissions during start-up procedures for all coal fired EGUs would be reduced by eliminating one of the procedural options now authorized. The EPA anticipates that compliance with both of these revisions can be achieved by deploying available and affordable technologies or methods of operation.[2]

Other Air Toxics/Hazardous Air Pollutants

More stringent requirements are proposed for emissions limits on hazardous air pollutants including nickel, arsenic, lead, chromium, cobalt and other "non-mercury HAP metals". These pollutants currently are limited indirectly as filterable Particulate Matter (fPM). The current maximum allowable emission rate of 0.030 pounds of fPM per million British thermal units (0.030 lbs/MMBtu) would be reduced to 0.010 lbs/MMBtu. The EPA has also invited comments on even lower maximum emission standards i.e., 0.006 lbs of fPM/MMBtu or lower. Importantly, the EPA projects that 91% of current coal fired EGU production currently will meet the proposed standard following full compliance.[2]

When fully implemented the proposed rule is expected to result in emissions reductions of other air pollutants. These hazardous air pollutants include acid gases such as hydrogen chloride (HCl) and hydrogen fluoride (HF) plus organic pollutants including formaldehyde and dioxin/furan.

Importance to Tribes

Airborne mercury contaminates the food supply, impairs human health, and adversely impacts ecosystems over much of the United States. The consequences of this highly toxic metal when released from the Earth's crust are particularly harmful on Tribal lands and waters, and to Native American people who are dependent on flora, fauna, fish, and other aquatic species for their survival. Too often, fish consumption advisories due to mercury contamination force Tribal communities to seek and consume less healthy alternatives.

Coal-fired electric steam generating units (EGUs) continue to be a significant source of airborne mercury and other toxic pollutants that are emitted from these facilities. Lead, arsenic, chromium, radionuclides, and other contaminants from coal combustion present additional risks to the health of Native Americans, Alaska Native Villagers, their lifeways, and their lands.

Technologies and operating practices are available for electric utilities to meet all proposed emissions standards. When fully implemented, along with enhanced monitoring and reporting

systems, human and ecosystem health will benefit – particularly those Tribal communities where fishing and/or locally grown crops provide much of the diet.

How to Comment on EPA's Proposed Rule

- Comments on the proposed regulation: *National Emission Standards for Hazardous Air Pollutants: Coal- and Oil- Fired Electric Steam Generating Units Review of the Residual Risk and Technology Review* are due June 23, 2023.
- Comments should cite **Docket ID No. EPA-HQ-OAR-2018-0794** and be submitted via either: Federal eRulemaking Portal: https://www.regulations.gov/ OR email to a-r-Docket@epa.gov.
- NTAA has prepared a Policy Resource Kit for Tribes to use or comment with.

[1] Federal Register/ Vol. 88, No. 78/Monday, April 24, 2023
[2] **FACT SHEET**: EPA's Proposal to Strengthen and Update the Mercury and Air Toxics Standards for Power Plants
[3] 42 U.S.C. Sec. 7401 et seq.
[4] *Analysis of the Proposed MATS Risk and Technology Review (RTR), USEPA, April, 2023*
[5] *2021 Power Sector Programs Progress Report,* USEPA