

PUBLIC COMMENTS REGARDING THE ENVIRONMENTAL
PROTECTION AGENCY'S PROPOSED INTERSTATE AIR TRANSPORT RULE
ATLANTA, GEORGIA
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My name is Amelia Shenstone and I am the Georgia Coal Organizer for the Southern

Alliance for Clean Energy – I am based here in Atlanta. We are a regional non-profit, clean energy advocacy organization with members throughout the Southeast. We have worked since 1985 to decrease our region's dependence on fossil fuels, which contribute to the serious air quality problems ubiquitous in the Southeast.

The Southern Alliance for Clean Energy supports EPA's proposed Clean Air Transport Rule and believes that it is a good step toward requiring needed air pollution reductions in the electric power sector. This Rule will fill a wide and troublesome gap in the federal government's clean air regulatory scheme and will help relieve long-suffering states from the burden of out-of-state air pollution. While air quality has improved some in recent years, primarily through power plant retrofits, we see this new rule as an important step in cementing and then continuing the ongoing process of cleaning up our air. The Transport Rule will lock in the gains we have made in the last 5 years, goes farther than CAIR would have in 15 states, and should allow many nonattainment areas in the East to reach attainment.

The proposed Transport Rule not only sets stringent standards for coal-fired units, it demonstrates that rigorous methods were used to derive those standards from state-specific emissions and transport data. Yet we believe there are areas where the EPA proposal could be strengthened in order to more adequately protect the lives of many Americans.

At today's pollution levels, the lives of tens of thousands of Americans will be cut short and there are still over 700 coal-fired units in the U.S. operating with no sulfur scrubbers in place. At this point, every coal-fired power plant in the U.S. should be well controlled. We urge the EPA to reduce the annual control region SO₂ cap to 1.75 million tons and the NO_x cap to 900,000 tons.

The necessity of this Transport Rule is further highlighted by the recent court decision regarding interstate air pollution transport. On July 26th, the United States Court of Appeals for the Fourth Circuit issued a decision in the case of *North Carolina v. Tennessee Valley Authority*.¹ The court expressed a belief that the federal Clean Air Act framework was extensive and protective of downwind states, thereby negating the need for individual states to sue under a common-law public-nuisance theory.

While the Clean Air Act is productive in many ways, it is not as flawless as the court suggested. North Carolina, for example, has been striving for years to improve its air quality by addressing transported pollution, and administrative channels available under the Clean Air Act have proven ineffective. Now, with this proposal, the "good neighbor" provisions of the Clean Air Act will finally provide some relief for North Carolina and many other states struggling with nonattainment and poor air quality from out-of-state pollution.

¹ North Carolina v. Tennessee Valley Authority, No 09-1623 (4th Cir. July 26, 2010)

While we are pleased to see that EPA has set strong and rigorously modeled budgets for upwind states, we are concerned about the confusing nature of Group 1 classification as it applies to the Tennessee Valley Authority. EPA explains that certain states are categorized as Group 1 states, and are tasked with SO₂ reductions in 2012 and again in 2014. Tennessee is a Group 1 state, and yet Tennessee's sulfur dioxide budget is 100,007 tons in 2012 and 2014. In other words, it appears that Tennessee is not required to further reduce its SO₂ emissions as other Group 1 states will be required to do.

TVA is currently announcing important steps to clean up its energy portfolio and to help improve regional and transported air pollution. It may be that the Clean Air Transport Rule is part of the impetus for TVA's improvements, and a stringent budget that is consistent with other Group 1 states will help push further progress. We therefore ask that you please clarify why Tennessee, as a Group 1 state, has only one sulfur reduction goal set for 2012 and ask that you consider setting a more stringent budget for 2014.

Ultimately, we support this rule and thank EPA for its work to rapidly finalize it because air pollution seriously threatens public health and the quality of life for many Southerners. We urge EPA to strengthen the rule as mentioned and we will be providing more in-depth written comments with our colleagues. Implementation of this rule could save upwards of 36,000 lives per year; lives that many states simply cannot protect on their own because air pollution knows no boundaries. With the promulgation of the Clean Air Transport Rule, our air will be cleaner and lives will be saved.

Thank you.