OP ED by Indiana, Louisiana, Ohio, Texas and West Virginia environmental commissioners

http://www.journalgazette.net/article/2011312229984

Published: December 22, 2011 3:00 a.m.
Fort Wayne Journal Gazette

EPA strong-arming unneeded air rules

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Should Americans spend nearly $1 billion a year to solve a problem that no longer exists?

If the Environmental Protection Agency does not reconsider its Cross-State Air Pollution Rule, Americans will pay through their utility bills, witness additional job losses nationwide and be subjected to decreased electrical reliability.

Starting Jan. 1, CSAPR will require power plants in 27 states to make additional reductions to emissions, which EPA alleges contribute to ozone formation and fine particulate matter. But the monitored air quality shows the mandated reductions are no longer needed to achieve the objectives.

The unprecedented short time in which the EPA is requiring power plants to comply has utility companies, state public utility commissions and state environmental agencies scrambling to assess the effect and evaluate options for meeting the requirements. The EPA's rush has not allowed some states and utility companies to have a proper opportunity to comment on the rule.

Additionally, the limits for several other states were drastically tightened between the proposed and final rules, which imposes requirements upon which these states were not given an opportunity to comment.

Many states, electricity providers and unions have asked for reconsideration of this excessive regulation because of concerns over projected electricity shortages, job losses and increases in electricity rates expected to result from efforts needed to meet these new requirements. The increased costs will be passed on to Americans already struggling to make ends meet.

Potential job losses extend beyond power plants that may have to cut back operations or even shut down. Many coal-fired power plants will have to drastically reduce their use of locally mined coal. This will negatively affect employment of local coal miners and other ancillary jobs created to support the industry.

EPA has also been asked to reconsider CSAPR because it does not properly consider emission reductions already achieved by power plants and other industrial sources to meet existing EPA regulations. For example, EPA failed to consider emission reductions resulting from state rules and programs that had been previously approved by the EPA.

Under the Clean Air Act, states are given the primary responsibility to meet air quality standards. Only after a state fails is the federal government supposed to step in. In the specific case of CSAPR, the federal government is imposing a plan immediately, without states having the opportunity to develop any alternatives.

The proposed federal plan does not reflect realistic conditions. Instead of using the most recent air quality data for CSAPR, EPA utilized data from 2005, an unusually hot summer across the East and Midwest. As a result, CSAPR seeks to improve air quality at monitors that are already achieving the air quality objectives of that rule and requires hefty emission reductions and expensive pollution-control requirements to address air quality issues that no longer exist.

Further, actual monitored air quality through 2010 at EPA-approved monitoring stations shows CSAPR’s air quality objectives are already being met in all areas other than isolated cases influenced by local sources.

This fact demonstrates that CSAPR only piles further costs on industry, and subsequently American citizens, without regard for the successful, beneficial investments already being made to further reduce pollution.

How could EPA’s projections be so wrong? In addition to improperly focusing on atypical 2005 air quality, EPA chose not to consider actual emission controls installed at power plants after 2004.

EPA should take a hard look at the science behind its CSAPR regulation and consider modifying or withdrawing the regulation before its new requirements take effect in January.

The extreme reductions called for by CSAPR, to be accomplished in a truncated time frame, are a recipe for unnecessary negative effects on state economies, workers and electricity consumers.

Thomas W. Easterly is commissioner of the Indiana Department of Environmental Management. He was joined in this opinion by Peggy Hatch, secretary of the Louisiana Department of Environmental Quality; Scott Nally, director of the Ohio Environmental Protection Agency; Carlos Rubinstein, commissioner of the Texas Commission on Environmental Quality; and Randy Huffman, cabinet secretary of the West Virginia Department of Environmental Protection.