

AIR POLLUTION

EPA 'good neighbor' rejection draws bipartisan wrath

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Maryland Attorney General Brian Frosh (D) testifies this morning at an EPA public hearing. Sean Reilly/E&E News

EPA faced bipartisan opposition at a public hearing this morning on its planned rejection of "good neighbor" petitions from Maryland and Delaware seeking a federal crackdown on ozone-forming pollution from outside their boundaries.

Maryland "strongly disagrees" with EPA's proposed denial of its bid for help in curbing emissions from coal-fired plants in Kentucky and four other states, Environment Secretary Ben Grumbles said at the hearing.

"Maryland strongly believes we're not asking anything of those units in those five upwind states that we are not already doing ourselves in Maryland," said Grumbles, an appointee of Gov. Larry Hogan (R).

Following him at the speaker's table was Maryland Attorney General Brian Frosh (D), who said that "transported ozone" wafting into the state can be as high as 80 parts per billion (ppb), or well above federal standards. "Maryland can't regulate that out-of-state pollution, and yet EPA has repeatedly failed to address the problem pursuant to its obligations under the Clean Air Act," Frosh said.

The two were among nine speakers to show up at the hearing, held at EPA headquarters before three agency officials. Others included representatives of the Delaware Department of Natural Resources and Environmental Control, American Lung Association, Sierra Club, and Chesapeake Bay Foundation. Almost all opposed EPA's planned decision.

Elizabeth Brandt, a field consultant for Moms Clean Air Force, recalled once sharing an impromptu fist bump for kids' health with EPA Administrator Scott Pruitt during a break in a congressional hearing. "Well, this is not for kids' health," Brandt said this morning.

The lone voice of support for EPA's planned decision came from Leeann Veatch, who spoke on behalf of Kentucky Gov. Matt Bevin (R). In her testimony, Veatch said that Maryland had relied on outdated emissions figures for three Kentucky plants covered by its petition and that EPA had thus made the correct decision in proposing to deny it.

Ozone, the main ingredient in smog, is formed by the reaction of nitrogen oxides (NOx) and volatile organic compounds in sunlight. It is linked to asthma attacks in children and worsened breathing problems for people with emphysema and other chronic respiratory diseases.

This morning's hearing came three weeks after EPA offered a consolidated thumbs-down to both Maryland's 2016 petition and another four filed by Delaware ([Greenwire](#), June 4). All allege that upwind emissions are undercutting their respective states' ability to comply with EPA's ozone standards.

In its response, however, EPA officials said that the two states had failed to prove that emissions from the upwind plants were impeding their ability to comply with either the 2008 ozone standards of 75 ppb or the 2015 threshold of 70 ppb.

Besides Kentucky, Maryland's petition targets coal-fired plants in Ohio, Indiana, West Virginia and Pennsylvania, while Delaware asks for help in requiring plants in West Virginia and Pennsylvania to reduce their releases of nitrogen oxides.

Among its reasons for tentatively turning down Delaware's petitions, EPA noted that one of the plants, Brunner Island Steam Electric Station in south-central Pennsylvania, slashed NOx emissions by about 75 percent during last year's summertime ozone season after the owner, Talen Energy Corp., voluntarily switched from coal to natural gas as a fuel source.

But for now, nothing prevents Talen from returning to coal-fired generation, said David Fees, Delaware's acting air chief. In arguing otherwise, Fees said, EPA is relying on hope and "not good air quality management."

After about an hour, this morning's hearing was suspended when all registered speakers had appeared. EPA's proposed decision carries a July 23 deadline for written comments. Under a recently issued court order, EPA must make a final decision on at least Maryland's petition by Sept. 15.

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