

Statement by

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Good Morning. My name is Collin O'Mara and I serve as Secretary of the Department of Natural Resources and Environmental Control under the leadership of Governor Jack Markell in the state of Delaware. I would like to thank Chairwoman Boxer, Ranking Member Inhofe, Subcommittee Chairman Carper, Ranking Member Vitter, and all the members of the Environment and Public Works Committee and its Clean Air and Nuclear Safety subcommittee for the opportunity to share our thoughts on the proposed amendments to the Clean Air Act to establish a multi-pollutant regulatory program for the electric generating sector.

I would be remiss not to begin my comments by recognizing Senator Carper's steadfast dedication to our environment and his tireless efforts to ensure that all Americans have the right to clean, healthy air. I specifically want to recognize Senator Carper's efforts in the area of diesel emissions reduction and the introduction and funding of the Diesel Emissions Reduction Act which has enabled us to implement a number of diesel retrofit activities—activities that would not have otherwise been possible. Thank you, Senator Carper, for your leadership in Delaware and across the nation.

Every year millions of people in the U.S. are exposed to unhealthful levels of air pollution, resulting in lost work days, hospitalization, respiratory and cardiac diseases, premature mortality, and billions of dollars of adverse impacts on our economy. Delaware is not immune to these challenges correlated to air pollution and faces some of the highest rates of cancer and respiratory diseases in the nation.

In our effort to provide cleaner air to our citizens, Delaware has adopted many regulations ranging from rules for inspection and maintenance of automobiles, standards for consumer products, and requirements applicable to many industrial sources. As a result, we have seen our state's air quality improve over the years. Last year, Delaware had no exceedances of the

old 0.08 eight-hour Ozone standard and we are working hard to figure out what is needed to meet the future Ozone standard which will certainly be lower than 0.075 parts per million.

One of the greatest regulatory successes we have had is the adoption of multi-pollutant regulations for the coal and oil fired Electrical Generating Units. The outcome-driven regulation establishes performance standards for NO_x, SO₂ and mercury to be met by each unit. We found controls necessary to meet the regulatory limits were technically feasible and highly cost effective. The coal fired units are all meeting mercury emissions reductions in excess of 80% and are on track to meet the next phase which requires 90% control by 2013. The units remaining in operation are also meeting the first phase of the NO_x and SO₂ reduction and are on track for the final compliance phase which begins at the end of 2011.

For these and other efforts, Delaware is recognized as having one of the more robust air pollution control programs in the country. We have also worked with our regional partners in the Ozone Transport Commission and have adopted a number of programs to reduce emissions that are generated within the OTR. The most notable and perhaps most effective of such programs was the OTC NO_x Budget Program which targeted NO_x emissions from the EGU sector, and which was later mirrored and adopted by the EPA in the NO_x SIP Call.

Unfortunately, despite this progress, Delaware's air quality still fails to meet attainment standards mostly because of high levels of pollution imported from other states. As Senator Carper often says, "Delaware sits at the end of America's tailpipe." We are heavily impacted by air emissions coming from the West. The most significant of these contributors are emissions and air pollution from the hundreds of uncontrolled or poorly controlled electric generating units in upwind states. In addition to air quality and associated health impacts from these sources, this inequity places consumers who depend on power from cleaner EGUs at an economic disadvantage compared to those in upwind states who have failed to implement such controls. (This argument was central to our pending Section 126 petition from 2008.)

Air pollutants do not recognize state boundaries and it is with this backdrop that we are here today to lend our support to a bill that proposes a national solution to the elusive national challenge of improving air quality by addressing the emissions of multiple air pollutants from the electric generating sector. Previous attempts to gain reductions from this sector have proved that controls are feasible and highly cost effective; unfortunately, these efforts did not go far enough. Today, 80% of the SO₂ emissions nationwide come from uncontrolled coal fired EGUs and only 25% of the EGUs have installed SCR to control NO_x. Significant emissions reductions are possible and achievable from this sector without a need for significant lead times. After the adoption of Maryland's Healthy Air Act, nine scrubbers and eight SCRs were installed on the affected EGUs in two years time.

The Clean Air Act Amendments of 2010 introduces a tough and meaningful national SO₂ cap which we anticipate will result in installation of controls on many of the currently uncontrolled EGUs. SO₂ emissions are a precursor to fine particles formation and reductions associated with this bill will have significant public health benefits. The bill also proposes an aggressive 90% reduction of mercury and builds upon the best practices of Delaware and other states.

The bill preserves State's rights under Sections 110 and 126 and it does not interfere with the New Source Review provisions of the Clean Air Act. The certainty that comes along with legislation will aid the states and industry with planning for design, permitting, fabrication and installation of controls. By focusing on outcomes, the bill is also likely to spur innovation because it will provide predictable targets for industry to meet and sufficient lead time for commercialization of many ideas.

The bill provides EPA the authority needed to implement the phase I of CAIR and we would encourage the consideration of additional EPA authorities for adjusting the annual sulfur dioxide emissions budgets and annual and/or seasonal NO_x emission budgets as necessary to protect public health, meet current and new standards, and address transport emissions.

The bill also proposes a 53% nationwide reduction in NO_x by 2015. On this point, please allow me to share with you briefly our experiences in Delaware. What we have learned through collaboration with the OTC is that controlling NO_x emissions from EGUs may be the silver bullet for meeting the ozone standard. We have learned that significant NO_x reductions are feasible, cost effective, and necessary for us to reach attainment and are readily achievable through existing, cost-effective technology. We believe that adopting a more aggressive approach and/or a more accelerated implementation timeline for NO_x reductions would help states like Delaware achieve attainment of the ozone standard more rapidly than would be otherwise possible.

In conclusion, Delaware believes that the proposed legislation represents an important step forward in reducing harmful emissions from EGU's across our nation and improving public health outcomes. We look forward to working with the Committee as you continue to refine and strengthen this significant legislation. Thank you again for opportunity to speak today about this important issue and I am available to answer any questions.