



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building

P.O. Box 2063

Harrisburg, PA 17105-2063

January 3, 2006

Office of Waste, Air and Radiation Management

717-772-2724

Mr. Douglas L. Biden
President
Electric Power Generation Association
800 North Third Street, Suite 303
Harrisburg, PA 17102

Doug
Dear Mr. Biden:

Thank you for your recent letter in reference to the effort of the PA Department of Environmental Protection (DEP) to develop a Pennsylvania - specific mercury emissions control regulation for coal-fired electric generation utilities (EGUs), as directed by the Environmental Quality Board.

Your letter raised several questions regarding mercury hotspots. Hotspots is one of many issues that concerns DEP relative to its responsibilities to protect the health and welfare of the citizens of the Commonwealth. However, you seem to raise this issue in a manner that implies that mercury hotspots are the sole justification for requiring mercury emissions reductions in Pennsylvania.

The DEP is of course concerned with mercury hotspots, but this issue does not define our regulatory development process. As you have heard from a number of speakers at the Mercury Workgroup Meetings, assessing mercury "hotspots" involves a very costly site-specific study. If you or any of your member companies have conducted such a study, we would be most interested in reviewing that data. DEP has reviewed the Brookhaven report, which includes data from near the Bruce Mansfield Power Plant. This study shows a significant local impact from the mercury emissions released by this power plant, even though there are mercury-reducing wet scrubbers already in place at the plant. The U.S. Environmental Protection Agency's (EPA's) own 'Technical Support Document for the Final Clean Air Mercury Rule' shows that a large portion of Pennsylvania EGU mercury emissions are deposited in the Commonwealth, regardless of whether definitive hotspots can be proven to exist.

First and foremost, the DEP must make a demonstration to EPA how Pennsylvania coal-fired EGUs will comply with the mercury emission caps established by EPA's Clean Air Mercury Rule (CAMR) in the timeframes established. The mercury emission caps in the CAMR were established based on the technical feasibility to remove mercury. However, CAMR would allow these reductions to occur through emissions trading as far away as New Mexico, where EPA's



EPA's CAMR mercury allowances for that state exceed the reported actual emissions from its affected units. The DEP has taken the position in its litigation with EPA on the CAMR that mercury is a neurotoxin, and therefore mercury emissions should not be traded. Trading disregards the technical feasibility of a given facility to reduce its local impact.

The DEP's main focus at this time is not on whether mercury emissions should be reduced in Pennsylvania, but on what mercury emission levels are appropriate for Pennsylvania utilities. The DEP has asked Pennsylvania EGUs to provide all available data that can assist us in this evaluation process, including requests that went to your member companies. Your continued participation in the DEP's regulatory development process will be greatly appreciated.

If you have additional questions, please contact me by e-mail at tfidler@state.pa.us or by telephone at 717-772-2724, or Joyce E. Epps, Director of the Bureau of Air Quality, by e-mail at jeepps@state.pa.us or by telephone at 717-787-9702.

Sincerely,

A handwritten signature in black ink that reads "Tom Fidler" with a horizontal line extending to the right.

Thomas K. Fidler
Deputy Secretary