

U.S. Environmental Protection Agency Hearing on  
EPA Docket ID: EPA-HQ-OAR-2016-0347  
Section 126 Petition from Connecticut Regarding Nitrogen Dioxide Emissions  
from the Brunner Island Steam Electric Station

Testimony of  
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Thank you for the opportunity to present comments today. I am Janice Nolen, Assistant Vice President, National Policy, for the American Lung Association. For nearly 114 years, the American Lung Association has fought against some of the nation's most dangerous challenges to public health, including, for more than fifty years, harmful air pollution. We speak up for the 33.6 million Americans with chronic lung diseases who need healthy air to breathe. I speak today to oppose EPA's proposed denial of the petition in this case. We at the Lung Association also request EPA to take actions in support of the States, like Connecticut, that suffer from transported air pollution.

Congress recognized, in the Clean Air Act, that air pollution failed to respect State boundaries. Pollution spewing out of smokestacks and tailpipes in one State all too frequently blew across state lines, adding dangerous pollution to the air inhaled by those living downwind. Congress gave the States the opportunity under Section 126 to request EPA take steps to reduce emissions that contributed to unhealthy air pollution levels blowing into their States that threatened the health and the lives of their residents.

And these are dangerous air pollutants. Nitrogen dioxide, the primary agent in this case, is harmful in and of itself, but it also reacts in the atmosphere to create ozone and particulate matter, both of which trigger asthma attacks and cause premature deaths.

Under Section 126, Connecticut petitioned EPA in 2016 to require that the Brunner Island Steam Electric Station, located in York County, Pennsylvania, take reasonably available actions to reduce NOx emissions. EPA failed to act, ultimately delaying any response until after the Court decision this month. EPA is now proposing to deny the petition, arguing that the plant has made commitments to change to natural gas and has reduced NOx emissions, so no action is needed.

We at the Lung Association are pleased with the shift to natural gas that reduced NOx emissions from this plant by roughly 77 percent during last summer's ozone season. However, that change would not have occurred without Connecticut's actions—including the petition to EPA-- and that absent EPA action, that change is not enforceable.

The owner, Talen Energy, has constructed a pipeline to supply natural gas to Brunner Island, and the facility used it last summer. However, nothing the Talen Energy has done would prevent the plant from returning to coal or to expand its use of coal this summer or the next. In fact, Brunner Island will continue to burn coal going forward for at least a decade. According to media reports, Talen Energy's

agreement with the Sierra Club commits the facility to use natural gas in the summer by 2023 and to shift the facility permanently to using natural gas by 2029. Admirable as that agreement is, that action came independently of any response by the EPA and does not include an enforcement mechanism, except another lawsuit.

EPA argues that the lower costs of natural gas have provided incentives that are likely to keep Brunner Island on the path to emitting lower levels of NO<sub>x</sub> going forward. We hope so, but we are also keenly aware that similar trends have led to other plants making this change years ago, and only following Connecticut's petition to EPA did Talen Energy take this step.

We recognize the demands on staffing make it challenging to complete these reviews carefully and in a timely manner, particularly with the cutbacks in resources and efforts to reduce the number of staff underway. We continue to ask Congress to supply EPA with the resources you need. But we also know how crucial it is that EPA employ the tools in the Clean Air Act to protect health, especially when the States cannot act themselves.

EPA reports that Delaware and Maryland have submitted five other Section 126 petitions, each requesting EPA assistance on one or more plants that contribute to downwind ozone violations. Other states will likely also be lining up following the designations under the 2015 ozone standard.

We at the Lung Association have long supported EPA's efforts to reduce transported ozone, including in legal support of the Cross-State Air Pollution Rule. EPA must plan to update the CSAPR as soon as possible following the implementation of the 2015 standard.

But that is years away. And CSAPR has not been enough, clearly, to meet some specific cases for the 2008 standard. EPA needs to respond positively to Connecticut and other states that face these well-documented public health needs. EPA needs to help them by enforcing the law and protecting the health of the more than 1.28 million people with chronic lung disease who live in these three states alone.

Thank you.