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## U.S. EPA Proposes New Standards for Toxics Emissions from Coal and Oil Fired Power Plants

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**On March 16, 2011, the United States Environmental Protection Agency (EPA) issued a proposed rule that would place new limits on emissions of toxic air pollutants from coal- and oil-fired electric generating units (EGUs or power plants). According to EPA, the proposed rule reflects the maximum achievable control technology and would impose new limits on emissions of heavy metals, including mercury, arsenic, chromium, and nickel. At the same time, EPA is proposing to amend the new source performance standards for fossil-fuel-fired EGUs to revise the particulate matter, sulfur dioxide (SO<sub>2</sub>) and nitrogen oxides (NO<sub>x</sub>) standards.**

Compliance with the metals emissions standards would be verified via testing of input fuels. The proposed standards would also impose new work practice standards, instead of numerical emissions limits, to reduce emissions of organic air toxics which the EPA claims result from inefficient combustion.

The EPA will be accepting public comment on the proposed rule for 60 days following the publication of the proposal in the *Federal Register*. Upon finalization of the regulations, companies will have three years to comply,

with the possibility of a one-year extension if time is needed to add proper controls.

EPA cites the health impacts of the pollutants on brain development and function, particularly in fetuses and developing children, as a basis and justification for the proposed rule. EPA also states that power plants are the largest source of mercury emissions. The EPA also stated that other toxic metals emitted from power plants, including arsenic, chromium and nickel, can cause cancer and premature death, and that the new standards are achievable via a range of widely available and feasible practices, technologies and compliance strategies.

It is estimated that the rules will prevent 17,000 premature deaths and 11,000 heart attacks per year, as well as 120,000 cases of asthma, while adding only \$3 or \$4 to the average homeowner's monthly electric bill. The EPA estimated the national annual cost of the proposed rule at \$10.9 billion.

Hal Quinn, CEO of the National Mining Association, commented that the proposed standard "could impose unnecessarily high costs on the American economy in lost jobs and in more expensive and less reliable electricity generation." Quinn warned that "the result [of the proposed rule] will be higher utility bills for households and businesses, substantial job losses and a significant weakening of the nation's electricity reliability." Quinn added that domestic coal-fired power plants have already reduced mercury emissions by 40%.

The professionals at Manatt are fully engaged in this and other federal air regulations. For additional information on how this ruling will affect you, contact [Craig Moyer](mailto:Craig.Moyer@manatt.com) 310-312-4353 in the [Energy, Environment & Natural Resources](#) practice group at Manatt, Phelps & Phillips, LLP.