



MAY 21, 2014

COMMENTS OF JOANNE KILGOUR, DIRECTOR OF THE SIERRA CLUB  
PENNSYLVANIA CHAPTER TO DEP'S CITIZENS ADVISORY COUNCIL

Thank you for the opportunity to comment, and for your work on this Council.

Good Afternoon. My name is Joanne Kilgour and I am the Director of the Sierra Club Pennsylvania Chapter. Our Chapter has more than 24,000 members statewide, with 10 volunteer-led groups in each region of the Commonwealth.

First, I would like to thank Deputy Secretary Brisini for his presentation on the DEP recommended framework for Section 111(d) Emissions Guidelines Addressing Carbon Dioxide Standards for Existing Fossil Fuel-Fired Power Plants. We are pleased to see that DEP is in agreement with EPA, confirming that Section 111(d) of the Clean Air Act is the appropriate section under which to regulate carbon dioxide from power plants.

After reviewing the April, 2014 white paper, we would like to offer the following comments and express two key concerns – 1) we are concerned about DEP's position that electric generators using coal refuse and coal bed methane should be exempt, and 2) we are concerned about DEP's proposal to redefine the New Source Review provisions to be based on emissions rates rather than total emissions.

Regarding the exemptions for coal refuse and coal bed methane, DEP seems to be making the assumption that these sources have environmental benefits outside of the CO2 context such that efforts to regulate CO2 through 111(d) should not apply to them. This assertion relies on assumptions that require careful investigation. The claim that these sources are "carbon neutral" requires further substantiation, and also seems to rely on the troubling premise that all coal refuse piles will eventually catch fire anyway, indicating a serious need to remediate such piles as soon as possible, rather than waiting for a private entity to utilize them as a source of combustion.

Finally, DEP proposes that the New Source Review provisions of the Clean Air Act should be redefined and based on emissions rates rather than total emissions to allow plants to become more efficient to operate without triggering New Source Review. However, there are two major problems with this assertion – if plants are actually becoming more efficient, then they should not increase overall pollution amounts and would then not trigger NSR, and attempting to make this change to the NSR provisions has already been struck down by the courts.

Thank you for your consideration of these comments.