

**SUMMARY OF COMMENTS AND STAFF RESPONSES FOR SUBCHAPTER 44.
CONTROL OF MERCURY EMISSIONS FROM COAL-FIRED ELECTRIC STEAM
GENERATION UNITS**

**COMMENTS RECEIVED PRIOR TO THE JULY 18, 2007 AIR QUALITY ADVISORY
COUNCIL MEETING**

Written Comments

1. **COMMENT:** Julia Bevers for OG&E energy corporation commented by email on January 12, 2007 that adoption of the June 9, 2006 version of the CAMR would make 252:100-44-5 unnecessary.

RESPONSE: Staff concurs. The change was made.

2. **COMMENT:** Earl Hatley sent the following email on January 16, 2007.

Dear Mr. Moffett,

I am writing in reference to the proposed rule regarding mercury emissions in our state. I live in northeastern Oklahoma near Grand Lake. As you are aware there is now a statewide mercury warning regarding fish consumption. I must assume this means my farm ponds, if it means the lake and streams. To me this is a taking of my property, and property rights. Additional coal fired plants will only make the situation worse.

The state of Missouri also has a statewide fish consumption warning because of mercury. Several streams feed into Grand Lake from there (Elk and Spring Rivers, Honey Creek). In addition, the State of Kansas issued a mercury warning for the Spring River to the OK state line. As you may be aware, the Spring River and Grand Lake are repositories for toxic heavy metals from the Tri-State Mining District (5 Superfund Sites in the three states).

The additional loading of Mercury is a further injustice to an area already found by Region 6 EPA to be an environmental justice area, because of the low income/high American Indian population here. I belong to LEAD Agency, Inc. an environmental justice non-profit group working on environmental issues in northeastern OK, and we, as an organization oppose rules that will allow for further mercury emissions in our state, or additional coal fired power plants. We should focus instead on renewable energy sources.

Thank you for your attention to this matter and the opportunity to make these comments.

Sincerely,

Earl L. Hatley, Grand Riverkeeper
19257 S. 4403 Dr.
Vinita, OK 74301

RESPONSE: On March 15, 2005 EPA issued the Clean Air Mercury Rule (CAMR) to permanently cap and reduce mercury emissions from coal-fired power plants. The approach EPA has taken is supposed to establish “standards of performance” limiting mercury emissions from new and existing coal-fired power plants and creates a market based cap-and-trade program which should reduce emissions nationwide. According to EPA, the rule would result in a 50 percent reduction in mercury emissions from power plants by 2020. EPA said that when fully implemented after 2020, the rule would reduce mercury emissions by 69 percent.

The State and Territorial Air Pollution Program Administrators and Association of Local Air Pollution Control Officials (STAPPA) released a proposal for states to consider November 14, 2005 that would reduce mercury emissions from power plants by 90 percent to 95 percent by 2012. Under the STAPPA proposal, utilities would be able to average their emissions among all their plants within a state until 2012, a provision designed to give utilities flexibility in implementing the program. After 2012, utilities would be able to average their emissions among different generating units within a single plant. This would allow utilities to install pollution controls on the generating units where emissions reductions could be achieved most cost-effectively.

In response to the federal rule and the STAPPA proposal, the Department proposed adoption of one of three options presented to the Air Quality Advisory Council. The first option was to incorporate by reference the federal CAMR. A second option was to adopt the model rule issued in November by the State and Local Air Program Administrators and Association of Local Air Pollution Control Officials (STAPPA/ALAPCO). The third option for the rule is a rewrite of the federal CAMR with state developed timelines and requirements if requested and developed by stakeholders. As of the January council meeting, having received comments only in support of CAMR, the Department proposed to adopt CAMR by reference.

Mercury information is available at the EPA website. The CAMR Regulatory text is available at <http://www.epa.gov/mercury/faq.htm>. The frequently asked questions section is at http://www.epa.gov/air/mercuryrule/pdfs/camr_final_regtext.pdf

3. **COMMENT:** An email from Melinda Droege from Bartlesville dated January 16, 2007 is against lenient mercury emissions in Oklahoma.

RESPONSE: Thank you for your comment. Staff will take this into consideration.

4. **COMMENT:** Janet Curth, a retired school teacher and community volunteer from Tulsa emailed on January 16, 2007 that she wants stricter controls no matter the cost.

RESPONSE: Staff will take this into consideration.

5. **COMMENT:** An email from B. Geary received January 16, 2007 suggests we table the incorporation by reference of the CAMR and gather more information on mercury before making a decision.

RESPONSE: Staff will take this into consideration.

6. **COMMENT:** An email from Montelle Clark from Tulsa dated February 4, 2007 urges reconsideration of the federal CAMR and suggests the STAPPA/ALAPCO model rule instead.

RESPONSE: Staff will take this into consideration.

7. **COMMENT:** Patricia Jaynes from Stillwater emailed on January 16, 2007 urging Oklahoma to not allow lenient emissions of mercury. She also spoke against cap and trade provisions.

RESPONSE: Thank you for your interest. Staff will take this into consideration.

8. **COMMENT:** Robert A. Leinau from Tahlequah emailed on January 16, 2007 that Oklahoma should promulgate the strictest plausible mercury standards and avoid cap and trade of mercury emissions.

RESPONSE: Staff will take this into consideration.

9. **COMMENT:** Patricia Lemon from Claremore emailed on January 17, 2007 that no cost to limit mercury emission is too high when health effects are taken into account.

RESPONSE: Staff will take this into consideration.

10. **COMMENT:** Joni LeViness from Tulsa emailed on January 16, 2007 that the CAMR is in violation of the Clean Air Act. She asked that the promulgation of the CAMR be tabled to allow time for further study and possibly a stricter rule for mercury.

RESPONSE: Thank you for your comment. Staff will take this into consideration.

11. **COMMENT:** Donna Mackiewicz with the Oklahoma Master Naturalists in a January 16, 2007 email requests Oklahoma to table the CAMR to allow time for further study and possibly a stricter rule for mercury.

RESPONSE: Staff will take this into consideration.

12. **COMMENT:** Danielle Matheny emailed from Tulsa on February 10, 2007 asking the state to reconsider adoption of the federal CAMR

RESPONSE: Staff will take this into consideration.

13. **COMMENT:** Jean McMahon from Fort Gibson emailed on January 16, 2007 expressing concern that we keep Oklahoma as clean and pollution free as possible and that we need more time for study.

RESPONSE: Thank you for your comment. Staff will take this into consideration.

14. **COMMENT:** Nancy Moran, a RN from Tulsa emailed on January 16, 2007 asking that Oklahoma not lower our mercury emission standards.

RESPONSE: Staff will take this into consideration.

15. **COMMENT:** Laurel Upshaw from Tulsa emailed on January 17, 2007 urging Oklahoma not to relax mercury standard and not to allow cap and trade of mercury emissions.

RESPONSE: Staff will take this into consideration.

16. **COMMENT:** Lydia Patitsas from Tulsa emailed on February 5, 2007 asking reconsideration of the incorporation by reference of the CAMR and requesting that Oklahoma adopt the model rule from STAPPA/ALAPCO.

RESPONSE: Staff will take this into consideration.

17. **COMMENT:** Darryl Phillips from Sallisaw emailed on January 14, 2007 requesting Oklahoma to table the CAMR to allow time for further study and possibly a stricter rule for mercury.

RESPONSE: Thank you for your interest. Staff will take this into consideration.

18. **COMMENT:** Sandra Rose of Norman emailed January 26, 2007 opposing incorporation by reference of the federal CAMR. She supports some version of the STAPPA/ALAPCO model rule.

RESPONSE: Staff will take this into consideration.

19. COMMENT: Rita Scott of the Sustainable Green Country opposes incorporation by reference of the federal CAMR and supports some version of the STAPPA/ALAPCO model rule.

RESPONSE: Staff will take this into consideration.

20. COMMENT: Darla Reynolds-Sparks emailed January 16, 2007 requesting Oklahoma to table the CAMR to allow time for further study and possibly a stricter rule for mercury.

RESPONSE: Staff will take this into consideration.

21. COMMENT: Steve Dobbs wrote for the Sequoyah County Clean Air Coalition on February 13, 2007. His letter included a petition in support of the adoption of the STAPPA/ALAPCO model rule.

RESPONSE: Staff will take this into consideration.

22. COMMENT: Mandy Steele faxed a letter with comments on January 15, 2007. Her group, Families for Effective Autism Treatment (FEAT), asked Oklahoma to table the current CAMR and allow time for further study and possibly a stricter rule for mercury.

RESPONSE: Thank you for your comment. Staff will take this into consideration.

23. COMMENT: David Benham emailed on March 29, 2007 asking Oklahoma to adopt stricter 90% emission limits on mercury from coal fired plants.

RESPONSE: Thank you for your comment. Staff will take this into consideration.

24. COMMENT: Tiffany Eichner emailed on March 29, 2007 urging Oklahoma to adopt stricter mercury emission limits.

RESPONSE: Staff will take this into consideration.

25. COMMENT: Juanema Benham emailed on March 29, 2007 urging Oklahoma to adopt stricter mercury emission limits.

RESPONSE: Staff will take this into consideration.

26. COMMENT: The Air Quality division received 500 postcards, as of July 16, 2007, from members of the Sierra Club asking Oklahoma to adopt the strictest possible mercury emission standards and allow no emission credit trading.

RESPONSE: Staff will take this into consideration.

27. **COMMENT:** Charles and Lela Barnes mailed letters we received on February 28, 2007 offering support for controls consistent with the proposed STAPPA/ALAPCO rule.

RESPONSE: Staff will take this into consideration.

28. **COMMENT:** Darley Edwards of Muldrow mailed a letter received on March 1, 2007 urging Oklahoma to adopt stricter mercury emission limits, consistent with the STAPPA/ALAPCO rule.

RESPONSE: Staff will take this into consideration.

29. **COMMENT:** We received letters on March 26, 2007 from John and Sherry Restine in support of the STAPPA/ALAPCO rule and no trading of emission credits.

RESPONSE: Staff will take this into consideration.

30. **COMMENT:** We received a letter from Mr. Earl Strebeck saying he had gathered a petition with over 500 signatures in opposition of construction of a power plant in Sallisaw because of pollution and mercury in particular.

RESPONSE: Staff will take this into consideration.

31. **COMMENT:** Brian Figgins from Mustang emailed on April 12, 2007 in support of 90% reduction of mercury emissions and no emission credit trading.

RESPONSE: Staff will take this into consideration.

32. **COMMENT:** Lou Ann Batey, a Sierra Club member, phoned on April 10, 2007 in support of at least 90% emission reduction and no trading of mercury credits.

RESPONSE: Staff will take this into consideration.

Julia Beavers, OGE Energy Corp - Letter dated July 3, 2007

33. **COMMENT (paraphrased):**
- A. Cap-and-Trade is the preferred policy option because C&T provides the greatest reduction in emissions at the lowest possible cost.
 - B. A mercury Cap-and-Trade program will not cause "Hot Spots"
 - C. CAMR is the best policy for Oklahoma because it embodies realistic reduction requirements and reasonable deadlines which will allow flexibility for technology investments.

RESPONSE: Staff will take this into consideration.

Philip Lorenz - Email dated July 7, 2007

34. COMMENT: I would like to urge that maximum control of mercury emissions be established promptly. It is a tragedy that airborne dry deposits have already caused a hazard in consumption of local fish. Further deposition should be strongly reduced as soon as possible. According to information I've gleaned:

* Emission control is technically possible.

*Yes, it is expensive.

*But it is being practiced in a number of places, particularly around Chicago.

Two personal notes:

(1) In Bartlesville, Phillips once developed a "state of the art" incinerator that conveniently disposed of waste, but shut it down because of mercury emission

(2) When McGee Creek Reservoir was first built, there was a ban on eating fish for about 3 years because the water covered an area contaminated by mercury deposition

RESPONSE: Staff will take this into consideration.

Mr. Earl E. Hatley - Letter received July 12, 2007

35. COMMENT: "This letter constitutes an addendum to my comments on January 16, 2007, on behalf of myself and my sponsoring organization LEAD (Local Environmental Action Demanded) Agency, Inc., a non-profit environmental justice organization organized under IRS Code 501(c)(3). We are opposed to the adoption, by reference, of the U.S. Environmental Protection Agency's (EPA) Clean Air Mercury Rule (CAMR), as stated in the federal register June 9, 2006, by the Air Quality Advisory Council, the Environmental Quality Board and the Oklahoma Department of Environmental Quality."

RESPONSE: Staff will take these comments into consideration.