

National Mining Association Meeting with OIRA – 3/10/11

- EPA should perform a cumulative impact assessment of all of its current and expected power sector regulations affecting the coal-fired fleet of electric generators: NAAQS, CATR, NSPS, HAPs, CCRs, 316(b), effluent, regional haze, GHGs.
 - Multiple regulations affecting same set of facilities.
 - CATR statements as to coordination of these power sector regulations.
 - Assistant Administrator McCarthy statements as to transforming power sector.
 - New Executive Order on Improving Regulations and Regulatory Review specifically reiterates provision of Executive Order 12866 requiring agencies to “tak[e] into account, among other things, and to the extent practicable, the costs of cumulative regulations.”
 - EPA/CEQ statements that absence of cumulative analysis masks the effect of individual actions.
- Issue draft assessment and allow for comment prior to promulgation of any further rules, including HAPs.
- EPA should immediately seek an extension of the consent decree deadline for final rule.
 - Insufficient time for business to analyze the rule in light of the voluminous and highly technical underlying data.
 - Need for cumulative impact assessment.
 - Insufficient time for EPA to make rules changes that grow out of comments. Boiler MACT all over again?
- Consideration of health-based standards for non-mercury HAPs.
 - Lack of modeling or other studies (to our knowledge) showing EGU emissions of non-mercury HAPs in these minuscule amounts are causing health impacts.
 - Avoids negative consequences of over-regulation.
- 3-year compliance time insufficient.