

Blue Ridge Environmental Defense League

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Re: Comments on proposed temporary amendment of: 15A NCAC 02D .0544 PREVENTION OF SIGNIFICANT DETERIORATION REQUIREMENTS FOR GREENHOUSE GASES

My name is Therese Vick and I am here tonight on behalf of Blue Ridge Environmental Defense League and our members across North Carolina. I appreciate this opportunity to present our comments on the proposed temporary rule to defer the control of greenhouse gases from biogenic sources.

Blue Ridge Environmental Defense League does not support the adoption of the rule as presented at this time. In truth, North Carolina is not required to participate in US EPA's deferral.¹ This indicates a realization within the EPA that the rule is controversial, and litigation is likely. Indeed, a federal lawsuit was filed on August 19.² BREDL feels that EPA's decision was wrongheaded. However, because adoption of the deferral is optional, EPA correctly gives

¹ ENVIRONMENTAL PROTECTION AGENCY 40 CFR Parts 51, 52, 70, and 71 [EPA-HQ-OAR-2011-0083; FRL-9431-6] RIN 2060-AQ79 Deferral for CO2 Emissions From Bioenergy and Other Biogenic Sources Under the Prevention of Significant Deterioration (PSD) and Title V Programs <http://www.gpo.gov/fdsys/pkg/FR-2011-07-20/pdf/2011-17256.pdf>

² [Lawsuit Seeks To Overturn EPA Decision](#)

each state time to carefully weigh the effect that adopting this rule will have on public health and the environment.

Not controlling carbon dioxide emissions from biogenic sources for any length of time is a threat to the survival of our planet. Although some may take comfort from the idea of “only” three years, it brings to mind the Dioxin Reassessment. In 1985, EPA released its first health study of cancer effects from dioxin exposure.³ When I was previously on staff with BREDL, one of the many draft dioxin reassessments was released- in 1994.* As of today, the final report is still languishing behind closed drawers- a political prisoner of corporate power. BREDL fears that this 3-year delay could be the beginning of a similar odyssey-with devastating consequences.

What has been confounding is that despite the lack of pressure at the federal level, the Division of Air Quality has taken actions during this rulemaking, which have been disappointing—bordering on obfuscation. I attended the EMC Air Quality Committee meeting in July when the temporary rule before us tonight was introduced as a concept. At that meeting, concern was raised as to those sources “caught in the middle” between US EPA and North Carolina’s rulemaking process; and the question was asked if there was any relief available to them. The Attorney General’s office advised that exemptions should not be given, and the only option was to let the rulemaking process go forward. On September 2, I contacted DAQ staff by email inquiring if the proposed amendments we are addressing tonight were action agenda items for the September 7 and 8th Environmental Management Commission meetings. I never received an

³ “EPA’s Dioxin Study-Over Twenty Years of Delays” Center for Health Environment and Justice

<http://chej.org/wp-content/uploads/Documents/2010/Dioxin%20Key%20Letters/Dioxin%20Timeline.pdf>

* See above referenced timeline

answer. At the EMC Air Quality Committee meeting on September 7, I was stunned when DAQ requested a backdoor action, asking that the temporary rule be placed on the following day's meeting agenda as an action item. EMC Chairman Stephen Smith strongly objected stating that he could not recall such a thing being done without the required 48-hour public notice. It felt like an attempt to circumvent the democratic process. This is not in the best interest of the citizens of North Carolina. I wonder if the journey to this hearing illustrates the detours the public can expect in future.

Who is being served by this haste? Certainly not communities who are living with existing or facing proposed biomass facilities. Who will benefit? Companies grabbing for free money; siting dozens of new combustion sources, using experimental and unproven technology. Many of these proposals are in medically underserved areas with high percentages of People of Color. The stamp of approval from North Carolina policy makers continues to exacerbate the institutionalized racism that led to the Environmental Justice movement.

It is true that our legislature is a wee bit near. BREDL also has fiscal concerns. However, the public has everything to lose from the General Assembly sentencing DENR to death by 1000 cuts. The deregulation frenzy is accruing a huge public health debt, with compounding interest. Declining air quality sends people to the hospital, and the morgue. In 2008, the average emergency room visit cost \$1265.00. To treat one child with asthma can cost almost \$5000.00 annually, which does not include the estimated \$172.00 per day it costs a family for missed work and other related expenses.⁴ While we are struggling with a delicate economy and record unemployment, the last thing that should be considered is rushing a decision that has such huge

⁴ [Costs Soar](#)

health and economic impact. Yet another regulatory gift will contribute to global warming in the long-term, and will have immediate impacts on public health.

It is interesting to read mission statements. I have found that the simpler and cleaner a mission statement is, the better. The North Carolina Division of Air Quality has a very simple statement: *“To Protect and Improve the Outdoor Air Quality of North Carolina“*. To protect and improve. Simple. Clean. Unlike biomass incineration.

In conclusion, Blue Ridge Environmental Defense League strongly recommends that the temporary rule not be adopted. Additionally the process that led us to this hearing tonight should be reviewed, the potential environmental justice impact analyzed, and that a full financial accounting of health impacts be conducted. I am also submitting our report, “Second Opinion” as part my comments.

Again, I thank you very much for the opportunity to comment.